URBAN\MUNICIPAL
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C51P4
1996

AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

SEPT. 18, 1996 ...

URBAN\MUNICIPAL
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1996



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NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday, 1996 September 18
9:30 o'clock a.m.
Room 233, City Hall

SEP 16 1996

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 96-09, by Hamilton Habitat for Humanity, owner, for a change in zoning for Block "1", from "AA" District to "R-4" District and Block "2" from "AA" District to "R-4" - "H" District for property located at 607 Queen Victoria Drive.

   Submissions:
   a) Karen Daniels, Ministry of Citizenship. Culture , and Recreation (no comment)
   b) Zenon Kulchisky, 572 Queen Victoria Drive, Hamilton (opposed)

2. Zoning Application 94-19 and proposed Plan of Subdivision "Tiffany" (SAC-94-02/25T-94019(R)), by Starward Homes Ltd., prospective owner, for lands located west of Sanatorium Road and north of Chedmac Drive.

   Submission:
   a) Scott Konkle, Hamilton Conservation Authority (Suuport with conditions)

3. Zoning Application 96-10, by E. L. Richter, Leasee, for modifications to the established "A" District regulations for Block "1", and to the established "JJ" District regulations for Block "2", for lands located on the north side of Barton Street East, east of 244 Lake Avenue North.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 September 18

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 94-32 and proposed Plan of Subdivision "Orchard North" (SAC-94-04/25T-94012), by Starward Homes Ltd. and Ward Campbell/Brian Morrison, owners, for a change in zoning for lands located south of the proposed Mountain Freeway and west of West Fifth Street.

5. Proposed Falkirk West Neighbourhood Plan.

6. Zoning Application 96-07, by Dicon Developments, owner, for changes in zoning from "AA" District to "RT-20" District (Block "1") and "C" District (Block "2") for lands located at 988 Upper Paradise Road.

7. **REFERRALS BACK FROM COUNCIL**

Application for Building permits for:

a) 1187 West 5th Street
b) 1193 West 5th Street

8. **BUILDING COMMISSIONER**

Downtown Revitalization - Hamilton Convert/Renovate-to-Rent Loan Program

9. **DIRECTOR OF PROPERTY**

Option to Purchase from Canadian National Railway Company Lands Abutting Ferguson Avenue

10. **CONSENT AGENDA**

11. **OTHER BUSINESS**

13. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff and Applicant to determine acceptable option	Tabled
3.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
4.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
5.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
6.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave	1995 August 23		Tabled at the request of the applicant
7.	Zoning Requirements for Gambling Locations	1996 May 22	Referref to staff for report	Planning and Building Department staff to prepare report
8.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
9.	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
10.	Report regarding bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming

1.

CITY OF HAMILTON

- RECOMMENDATION - 8:30 am

SEP 12 1996

SECOND REPORT

DATE:	1996 September 10 ZAC-96-09 Quinndale Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department Mr. J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a change in zoning - 607 Queen Victoria Drive.

RECOMMENDATION:

That approval be given to Zoning Application 96-09, Hamilton Habitat for Humanity, owner, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1" and from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Dwellings - Holding) District for Block "2", for property located at 607 Queen Victoria, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1" & "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District;

(ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council;

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Blocks "1" & "2", for property located at 607 Queen Victoria Avenue, as shown on the attached key map.

The effect of the By-law is to permit one (1) Small Lot Single-Family Dwelling fronting onto Queen Victoria Drive (Block "1"). The remaining lands (Block "2") are proposed for future development in conjunction with adjoining lands to the south.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Hamilton Habitat for Humanity, owner.

BACKGROUND:

- Proposal

The applicant has applied for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District (Blocks "1" & "2") to permit one (1) Small lot Single-Family Dwelling fronting onto Queen Victoria Drive (Block "1") and the remaining lands (Block "2") are proposed for future development in conjunction with adjoining lands to the south, for property located at 607 Queen Victoria Avenue, as shown on Appendix "A".

- Land Severance Application H-96-01

At its meeting of July 31, 1996, the Land Division Committee approved the applicants request to sever the property into two (2) parcels subject to, among others, the condition that the applicant receive final approval of a zoning by-law, rezoning the lands to be retained (Block "1") from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwellings) District and the lands to be severed (Block "2") from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family Dwellings - Holding) District or satisfactory minor variance approval.

- Committee of Adjustment 96-173

Subsequent to the submission of this zoning application, at its meeting of August 14, 1996, the Committee of Adjustment approved the applicant's request for the necessary minor variances to permit one (1) residential building lot fronting Queen Victoria Drive and the establishment of a parcel of land fronting on Loconder Drive under the existing "AA" (Agricultural) District.

- Transportation and Environment Committee

At their meetings of August 19, 1996, and August 27, 1996, the Transportation and Environment Committee and City Council, respectively, approved the following:

(a) That the costs attributed to the 1' Reserve adjacent to the single family lot at the south-west corner of Queen Victoria Drive and Loconder Avenue (No. 607 Queen Victoria Drive), intended for development by the Hamilton Habitat Humanity organization, be waived, and the 1' Reserve adjacent to No. 607 Queen Victoria Drive be incorporated into the road allowance upon satisfactory arrangements with the City; and,

(b) That the remainder of the charges attributable to the 1' Reserve adjacent to the remnant parcel abutting Loconder Drive be collected at the time of development of that parcel; and,

(c) That the Treasurer be instructed to identify a source of funding; and,

(d) That the Committee of Adjustment be advised of this resolution.

LOT SIZE AND AREA:

Block "1"

- 13.29 m (43.60 ft.) of lot frontage on Queen Victoria Drive;
- 30.48 m (100.0 ft.) of lot depth; and,
- 405.07 m^2 (4,360.37 S.F.) of lot area.

Block "2"

- 35.423 m (116.27 ft.) of lot frontage on Loconder Drive;
- 13.29 m (43.60 ft.) of lot depth; and,
- 470.77 m^2 (5067.50 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	Small Lot Single-Family Dwellings and Street Townhouses	"R-4" (Small Lot Single-Family Dwellings) District and "RT-30" (Street - Townhouse) District - Modified
to the south	Small Lot Single-Family Dwellings and Single-Family Dwelling	"R-4" (Small Lot Single-Family Dwellings) District and "AA" (Agricultural) District
to the east	Small Lot Single-Family Family Dwelling	"R-4" (Small Lot Single-Dwellings) District
to the west	Single-Family Dwelling	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "ATTACHED HOUSING" on the approved Quinndale Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "ATTACHED HOUSING" to "SINGLE AND DOUBLE RESIDENTIAL".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Roads Departments has advised:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  In our comments to the Committee of Adjustment regarding Land Severance Application B-96:1, we recommended, as a condition of severance approval, that the applicant/owner pay to the Region and City all outstanding servicing and land costs to lift the 0.3 m reserves adjacent to Parts 1 and 2 on the submitted plan. The 0.3 m reserves are shown as Parts 9 and 16 of Reference Plan 62R-6257. Once this requirement has been completed to the satisfaction of the City/Region, the 0.3 m reserves on Locondor Drive and Queen Victoria Drive shall be established as road allowance.

  Any new access to Locondor Drive or Queen Victoria Drive requires an Approach Approval from the City of Hamilton Department of Public Works and Traffic.

  For the information of the applicant, the elevation of any future driveways should be a minimum of 0.3 m above the perpendicular centreline elevation of Queen Victoria Drive and Locondor Drive, with a maximum 7% driveway grade on private property."

- The Building Department has advised:

  "1. Part 3 and Part 1 to be registered as one lot on title and Part 2 and Part 4 to be registered as one lot on title.

  2. Application not specific in respect to exact use. Single family dwelling or semi-detached two family dwellings are permitted with different requirements in respect to setbacks for dwelling.

  3. The dwelling proposed to be built on Part 2 and Part 4 would require additional variances due to the situation of the lot. The front property line would be fronting off of Loconder Drive; therefore, the required 6.0 m front yard setback and the 7.5 m setback would not be provided (the lot is 35.423 m wide and is 13.290 m deep).

  4. No construction plans were submitted; therefore, at this time, no further zoning requirements can be examined."

- The Public Works and Traffic Department has advised:

  "The application to permit a small lot single family detached dwelling on Part 1 of the submitted plan is satisfactory. Although the approved neighbourhood plan designates both Parts 1 & 2 for residential use, the development of Part 2 as residential will leave an awkward shaped area designated as future commercial use and may compromise the development potential of the adjacent lands.

Therefore, we recommend that the rezoning of Part 2 be deferred until such time as this issue can be addressed.

In the event that the application to rezone both Parts proceeds, we recommend that any approval be subject to the conditions that the elevation of the required parking spaces be a minimum of .3 of a metre above the centreline of Queen Victoria Drive and Loconder Drive and that the grade of the driveways on private property does not exceed 7%."

- The Treasury Department has advised that the Realty Tax arrears currently outstanding, as of June 19, 1996, are $4,548.54.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Quinndale Neighbourhood Plan in that the lands are designated "ATTACHED HOUSING". If approved a redesignation would be required to "SINGLE AND DOUBLE RESIDENTIAL".

3. The proposal has merit and can be supported for the following reasons:

    - it would be compatible with the existing and future planned development in this area;

    - the proposed "R-4" (Small lot Single-Family Dwellings) District is consistent with the established Street Townhouses to the north on Loconder Drive and the Small lot Single-Family Dwellings on Queen Victoria Drive; and,

    - it represents infill within an established residential area.

4. Although the proposed "R-4" zoning would be consistent with the established development in the area and both lots would meet the "R-4" requirements for lot width and size, the lands shown as Block "2" are irregular in shape (ie. 35.423 m wide and only 13.29 m deep) and a dwelling could not be constructed with sufficient yard setbacks (see Building Department comments). In this regard, Block "2" should be merged with abutting lands to the south and developed comprehensively. The applicant has indicated they do not intend on developing Block "2" at this time, and have agreed to place this block under an 'H' - Holding provision, until such time as adequate lands are assembled and a comprehensive development plan is proposed.

    Thus, it is recommended that the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

Furthermore, the lands to the west and south of Block "2" are designated for "Commercial" development on the approved Quinndale Neighbourhood Plan. If Block "2" is consolidated with the lands to the south for development, then a portion of the lands designated "Commercial" would be required to be redesignated to "SINGLE AND DOUBLE RESIDENTIAL".

5. With respect to the Regional Environment Department's comment regarding the removal of the 0.3 m reserves, it should be noted that this recommendation was made a condition of the land severance application.

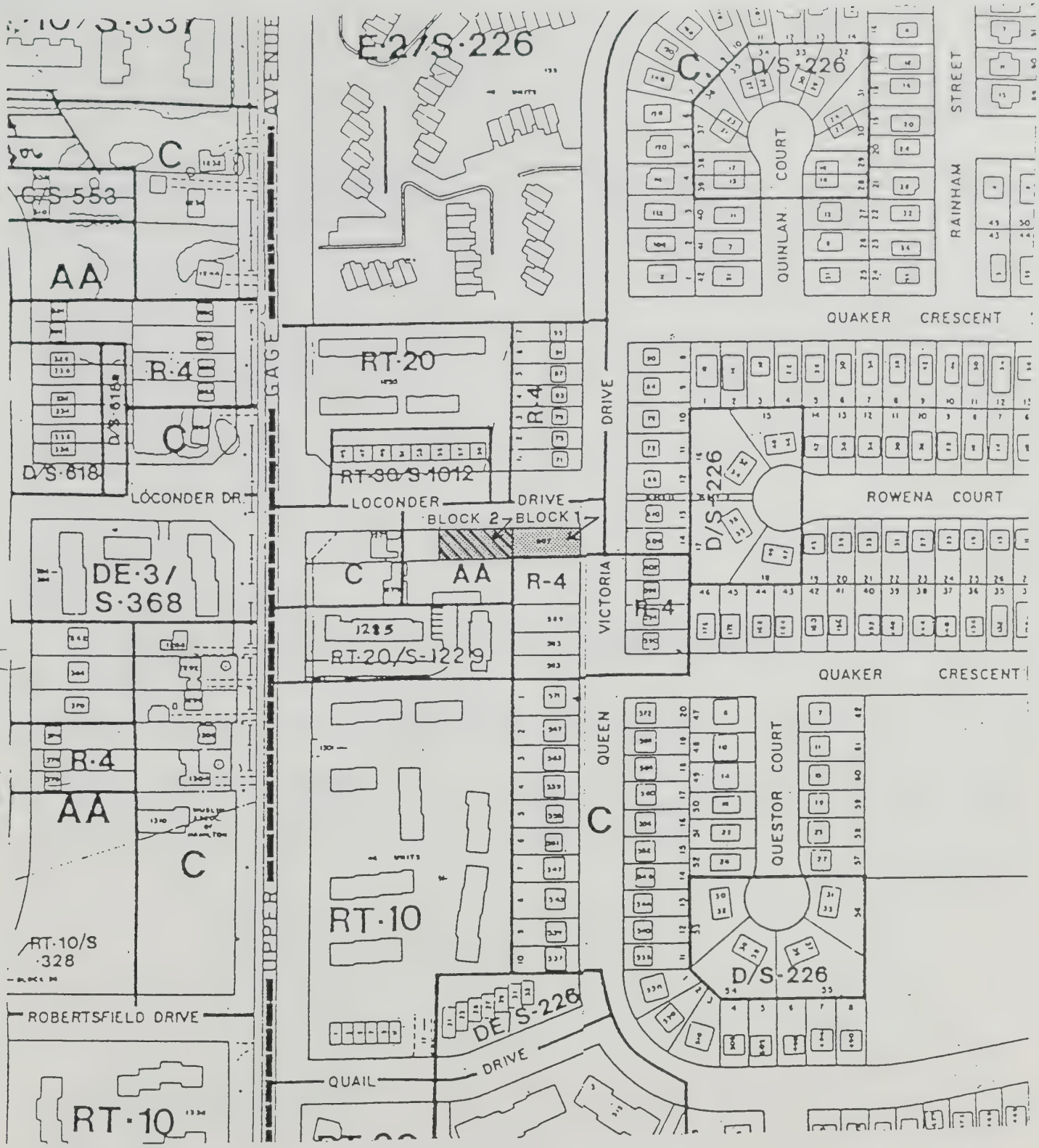
6. With respect to the Public Works and Traffic Departments concern regarding the elevation and grading of the required parking spaces, the agent for the applicant has advised that the required parking will be at grade, a minimum of .3 of a metre above the centreline of Queen Victoria Drive and Loconder Drive and that the grade of the driveways on private property will not exceed 7%.

7. With respect to the Realty Tax arrears, as noted by the Treasury Department, the applicant should be advised that it is City Council's policy that this matter be brought into good standing.

CONCLUSION:

Based on the foregoing, the application <u>can</u> be supported.

JL/jl
WPZAC9609



Legend

Site of the Application

ZAC-96-09

Proposed change in zoning from:

BLOCK 1 — From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

BLOCK 2 — From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Detached - Holding) District;

APPENDIX A

Copy to V. Abraham & P Noé Johnson 1a)

Ministry of Citizenship, Culture and Recreation

Ministère des Affaires civiques, de la Culture et des Loisirs

Ontario

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Hamilton, ON L8R 2K3

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August 6, 1996

AUG 08 1996

Secretary
Planning and Development Committee
Planning and Development Department
City of Hamilton
7th Floor, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: Changes in Zoning
Planning Department File #'s: ZAC-95-01; ZAC-95-04; ZAC-95-12; ZAC-96-08; ZAC-96-09

Thank you for forwarding to me the information concerning the above noted zoning change applications.

We have reviewed this information and, from an arts, recreation and citizenship point of view, we have no comments to provide. In addition to this, the Ministry will provide comments on the impact of the proposal to heritage resources. For these comments, please contact:

Manager
Archaeology and Heritage Planning Unit
Ministry of Citizenship, Culture and Recreation
77 Bloor Street West, 2nd Floor
Toronto, Ontario
M7A 2R9

Thank you for sharing this information with the Ministry and allowing us to comment.

Yours truly,

Karen Daniels

Karen Daniels
Area Consultant

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 Sept 5

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Zenon Kulchisky,
572 Queen Victoria Drive,
Hamilton, Ont.
L8W 1W9

Sept. 3, 1996.

The Secretary,
Planning and Development Committee,
City Hall,
71 Main Street West,
Hamilton, Ont.
L8N 3T4

SEP 05 1996

Dear Sir or Madam:

I would like to **respond to the enclosed proposal for a zoning change** to lots in the immediate vicinity of my home.

I may be wrong about this, but my understanding of the documents I received on this issue is that passage of the amendment will clear the way for further construction in my neighbourhood.

My objection to any further construction in the neighbourhood is based on the following: When I moved into 572 Queen Victoria Drive 10 years ago, there was a series of vacant lots kitty-corner to my house. Incrementally, over this 10-year period, construction of dwellings took place in a haphazard manner such that the area in which I live has been a permanent construction zone. These dwellings could easily have been constructed over a one to two year period in a manner that would have been far less painful to current residents of the surrounding vicinity. Instead, construction has been stretched over a period of time that seems to be neverending. To be specific, the lots that have been built since 1986 are the following: Queen Victoria Drive (590-610, 66-90, 71-95, 577); Loconder (45-59); Upper Gage (1285). You can check your records to confirm the accuracy of my claim.

Living in a construction zone can be a hellish experience (especially if the residents do not work 9-5 Mon. to Fri. as is my case -- people who work odd hours like myself are on the increase in our society) and there are many ways in which such people experience pain and property damage, including:

1. **Noise:** bulldozers, backhoes and other assorted "earthquake machines" deprive shift workers of sleep, sick people of the peace and quiet they need to convalesce, and home workers of the kind of businesslike environment needed to do the job.
2. **Prevalence of dirt, dust and particulate matter:** the streets in the surrounding area are constantly covered in mud. The air is full of dust and particulate matter -- this is not only harmful to health (and has been proven to be a cause of cancer) but also harmful to household appliances with moving parts such as VCR's and tape decks (as a one-time owner of a Video Store, I can testify to the damage caused to VCR heads by construction dust).

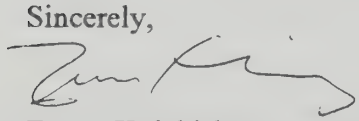
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3. **Increased burglaries:** my house has been burglarized 5 times in the past 5 years, 3 times in one year during which construction was taking place. Recently, I asked an expert to analyse my home in terms of why this was occuring with such frequency -- he stood in front of my house and asked, "How long has the construction been going on?" and I replied, "Ten years," and he replied, "There's your problem." He explained that burglars look for houses that are an "easy hit" and homes in construction zones are such because there is a higher vacancy rate and the burglars can easily pass themselves off as construction workers so residents cannot distinguish among all the strangers in the neighbourhood.
4. **Other inconveniences:** construction equipment is constantly parked on the streets; streets are blocked off and detours set up etc. etc. etc.

Progress has its price -- I understand this very well. But, 10 years of paying this price is too much. I see it as the function of City Hall to bring order out of the chaos that would ensue in the absence of a plan that takes into account the pains and tribulations that people must endure to accommodate progress. What I am asking is that City Hall put a halt to the chaos that prevails on our street. One way to do this would be to **put a halt to any further construction in this neighbourhood** (at least for 5 years years so that we can take a breather from the insanity). Another way would be to shift some of the burden of noise from shift workers to day workers (work around the clock until the job is done). A far less acceptable solution (but one that I consider to be within the realm of common decency) is to inform residents in the vicinity of the time and duration of all construction well in advance so that residents can plan their lives around the intrusion. Also, permanently park a police cruiser in the area to discourage burglars (no police must actually be present). Place noise barriers in the area. Use the latest noiseless technology where such exists.

I am willing to listen to any recommendation that will ease the pain -- but, **above all, please bring this incessant torture to an end.**

Sincerely,



Zenon Kulchisky

cc.: Regional Clerk, Regional Municipality of Hamilton-Wentworth

2

CITY OF HAMILTON

- RECOMMENDATION -

3:40pm

SEP 1 2 1996

DATE: 1996 September 12
ZAC-94-19 & SAC-94-02
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Tiffany" and Changes in Zoning - west of Sanatorium Road and north of Chedmac Drive

RECOMMENDATION:

Subdivision Application:

(a) That approval be given to revised Subdivision Application 25T-94004(R), Starward Homes, perspective owner, for a draft plan of subdivision "Tiffany", on lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated July 10, 1996, showing 178 lots (110 single family lots and 68 small-lot single family lots), a block for parkland (Block 183), a block for a public walkway (Block 181), a block for storm water management (Block 179), a block for 0.30 m reserve (Block 182), 2 blocks for road widening purposes (Blocks 180 and 184) and five new streets and the extension of Chedmac Drive, as shown on the attached map marked as APPENDIX "B".

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act.

(v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(viii) That the Owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E".

(ix) That the owner align Chedmac Drive in the vicinity of Lots 136 to 146, and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 179, in conjunction with the development of the subdivision lands, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department.

(x) That the owner implement the recommendations of a detailed functional engineering study, approved by the Regional Environment Department, showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road.

(xi) That the owner be responsible for all costs in the upgrading of Sanatorium Road based on the detailed functional engineering study.

(xii) That the owner assume all costs on both sides of the internal boundary streets when the subdivider owns the remaining lands abutting the subdivision (i.e. Chedmac Drive and Street "E").

(xiii) That the Owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department.

(xiv) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City in conjunction with registration of the Final Plan of Subdivision.

(xv) That the Owner convey all the necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton.

(xvi) That the Owner convey Block 183 to the City of Hamilton for Park/Open Space.

(xvii) That the owner retain the services of qualified professionals to complete a comprehensive design study and implement the details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Commissioner of the Regional Environment Department. Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be reduced.

(xviii) That the Owner provide fencing to all residential lots adjacent to the proposed stormwater management facility.

(xix) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial and otherwise of the City of Hamilton.

(xx) That the Owner submit a phasing strategy or report and phasing plan to the satisfaction of the Commissioner of the Regional Environment Department. The phasing strategy or report will include how each phase will be serviced, including the timing of construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations.

(xxi) That the Owner submit a phasing strategy report and phasing plan to the satisfaction of the Commissioner of the Regional Environment Department. The phasing strategy report will detail the servicing of each phase, including the timing of the construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations.

(xxii) That the Owner submit a sediment and erosion control plan to the satisfaction of the Commissioner of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial actions taken, to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediate ly following completion of construction.

(xxiii) That the owner dedicate by certificate Block 184 to the City of Hamilton for a road widening adjacent to Block 183, as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south.

(xxiv) That the owner dedicate by certificate Block 180 to the City of Hamilton for a road widening.

(xxv) That the owner dedicate sufficient lands to the City, in accordance with recommendations of the approved functional engineering study for Sanatorium Road, from Street "E" to Scenic Drive, adjacent to Block 180, and that these lands (for road widening) be included on the Final Plan of Subdivision as a separate Block to be dedicated as public highway to the City by Certificate.

(xxvi) That the owner pay any applicable servicing costs to the City associated with the 0.30m reserve known as Part 20 on Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 183 and the east limit of Street "B"."

(xxvii) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.

(xxviii) That the owner convey Block 181 to the City of Hamilton.

(xxix) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94004(R)), Starward Homes, perspective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Rezoning Application:

(d) That approval be given to amended Zoning Application 94-19, Chedoke Health Corporation and Starward Homes, owner and perspective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family Dwelling) District and "A" (Conservation, Open Space, Park and Recreational) District, for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, shown as Blocks "1", "2", "3" and "4" on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4"" (Small Lot Single Family Dwelling) District;

(iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District;

(iv) That the Director of Planning and Development be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council;

(vi) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area, as amended by revised OPA-135, upon approval of the Official Plan Amendment by the Region of Hamilton-Wentworth; and,

(vii) That the implementing Zoning By-law not be presented to Council for adoption until the By-law to adopt OPA-135 has been passed by Council .

(e) That the approved Mountivew Neighbourhood Plan be amended to revise the street pattern as per the revised plan of subdivision "Tiffany".

EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for changes in zoning for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
Block "2"	-	from "AA" (Agricultural) District to "R-4"" (Small Lot Single Family Dwelling) District;
Blocks "3" & "4"	-	from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District.

The effect of the by-law is to permit the development of Block "1" for 110 single detached dwellings, Block "2" for 68 small-lot single detached dwellings, Block "3" for parkland purposes and Block "4" for stormwater management purposes in accordance with the proposed revised draft plan of subdivision "Tiffany" (File SAC-94-02/25T-94019(R)).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Starward Homes, prospective owner.

Agent and Surveyor:

Barry Clarke, O.L.S., A. J. Clarke and Associates Limited, Hamilton.

Location:

The lands are located between Scenic Drive and Chedmac Drive, west of Rice Avenue, in the Mountview Neighbourhood.

Lot Size and Area:

The subject property has:

- a width of 143 metres (469 feet);
- a depth of 658 metres (2,159 feet); and,
- a lot area of approximately 13.83 hectares (34.17 acres).

Rezoning Proposal

- The applicant is requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), "A" (Conservation, Open Space, Park and Recreation) District (Blocks "2" and "4") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "3") (see APPENDIX "A").

Subdivision Proposal

- The proposal is to permit the development of 178 lots for single family dwellings [(68 small lot singles ("R-4" District) and 110 single lots ("C" District)] and blocks for stormwater detention, roadway, pedestrian walkway, and parkland (see APPENDIX "B").

History

- OPA-MTV

  In 1993, Chedoke Health Corporation made an application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan Amendment for the redesignation of lands adjacent to and surrounding Chedoke Hospital. The application was for:

  1. Redesignation of a portion of the lands from "Major Institutional" to "Open Space" and "Residential";
  2. Creation of a Secondary Plan to the Official Plan which specifies land use densities for the subject lands; and,
  3. The introduction of specific policies to the Official Plan for the subject lands.

  At its meeting held on July 20, 1994, Planning and Development Committee denied the application on the following basis:

"1. That Official Plan Amendment Application OPA-MTV, Chedoke Health Corporation, owner, requesting a redesignation of lands within the Mountview Neighbourhood from "Major Institutional" to "Residential" and "Open Space"; to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area; and to establish new policies relating to the introduction of a new Schedule "J-1", as shown on APPENDIX "A", be DENIED for the following reason:

a) the proposed development is not desirable for the subject lands.

2. That the request by Chedoke Health Corporation to amend the Mountview Neighbourhood Plan, in accordance with Schedule "J-1" of Official Plan Amendment Application OPA-MTV, as shown on APPENDIX "A" be DENIED for the following reason:

a) the proposed development is not desirable for the subject lands."

At its meeting of July 26, 1994, City Council denied the application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan Amendment.

- Ontario Municipal Board

At the request of Chedoke Health Corporation, proposed Official Plan Amendment OPA-MTV was referred to the Ontario Municipal Board (O.M.B.). In order that the O.M.B. may consider the application for an Official Plan Amendment, rezoning and subdivision, Starward Homes' agent has requested that Council consider said applications prior to the applicant referring the proposed Official Plan Amendment, rezoning and subdivision to the Ontario Municipal Board in order for the O.M.B. to consider the Chedoke Health Corporation and Starward Homes applications simultaneously.

- Mountview Mediation Committee

In late 1994, May, Pirie, Dakin and Associates, on behalf of Chedoke Health Corporation, requested a mediation process be set up with a committee of neighbourhood residents, the Ward Aldermen, and staff of the Planning and Development Department. The purpose of the Committee was to attempt to resolve the issues identified by residents of the affected neighbourhoods during the review of the requested development by Chedoke Health Corporation.

The Mountview Mediation Committee met a total of eight times to review options for Chedoke Health Corporation's lands. The Committee reached a consensus on a preferred neighbourhood plan for Chedoke Health Corporation's lands. The consensus position was presented to the community through two open houses and three public meetings. The feedback received from the community was largely favourable.

In June, 1996, Council passed recommendations that would implement the consensus position of the Mountview Mediation Committee. These recommendations included:

(i) an Official Plan Amendment and Secondary Plan to allow single-family development, one-storey townhouses, and a retirement home on a portion of Chedoke Health Corporation's lands;

(ii) amendments to the approved Mountview Neighbourhood Plan that are consistent with the Secondary Plan;

(iii) changes in zoning to implement the Secondary Plan; and,

(iv) placing the remaining institutional lands under Site Plan Control.

It is anticipated that the Official Plan Amendment and changes in zoning will be forwarded to Council in September.

- Planning and Development Committee, October 5, 1994

The Planning and Development Committee, at its meeting of October 5, 1994, tabled consideration of the application for a change in zoning and proposed plan of subdivision at the request of the applicant. Planning staff, in their report dated September 27, 1994 recommended that the application be denied for the following reasons:

i) The application conflicts with Council adopted policy;

ii) The application conflicts with the approved Mountview Neighbourhood Plan; and,

iii) The application is considered to be premature pending resolution of the status of the Official Plan Amendment and Neighbourhood Plan.

- Planning and Development Committee, August 23, 1995

The Planning and Development Committee, at its meeting of August 23, 1995, at the request of the applicant's agent agreed to table consideration of a report dated August 9, 1995 from the Director, Planning and Development Department and the Chief Administrative Officer. Staff had reiterated their recommendation that the application for an Official Plan Amendment, change in zoning and draft plan of subdivision be denied for the reasons outlined at the October 5, 1994 Planning and Development Committee meeting.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural)" District
Surrounding Land Use		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.)
to the south	Institutional and Recreational uses	"AA" (Agricultural) District
to the east	Institutional uses	"AA" (Agricultural) District
to the west	Institutional uses	"AA" (Agricultural) District

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Existing Development". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The lands are designated **Major Institutional** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan.

Based on policy A.2.6.1, the open space component of the proposal does not comply with the Official Plan. As such, an Official Plan amendment is required to redesignate Blocks 2 & 4 from "Major Institutional" to "Open Space". However, City Council has approved a recommendation to amend the Official Plan which involves the redesignation of the subject lands to "Residential" and "Open Space", the creation of Schedule J-1 - Chedmac Planning Area Secondary Plan and policies specific to this area. The proposal will conform with the Official Plan once Official Plan Amendment No. 135 is adopted by By-law. It is anticipated that OPA No. 135 will be presented to Council for adoption at its meeting of September 18, 1996.

Neighbourhood Plan

The lands are designated "Civic & Institutional" in the approved Mountview Neighbourhood Plan. The proposal does not comply with the approved Mountview Neighbourhood Plan.

City Council has approved a recommendation to amend the Official Plan (OPA No. 135) which involves the creation of Schedule J-1 - Chedmac Planning Area Secondary Plan. The Mountview Neighbourhood Plan will also be amended in accordance with Schedule J-1. The proposed plan will conform with the Mountview Neighbourhood Plan once OPA No. 135 is adopted by By-law.

Zoning

The lands are zoned "AA" (Agricultural)" District. The applicant has requested a change in zoning for the subject lands. The requested changes in zoning are shown in APPENDIX "A".

COMMENTS FROM CIRCULATION:

- The Regional Environment Department, Development Division has advised:

"FOR INFORMATION:

1) Pending final comments from the Hamilton Street Railway, any required transit lay-over recovery areas and bus stop locations on Chedmac Drive must be shown on the subdivision drawings.

2) The proposed stormwater management facility will be owned by the City of Hamilton outright, but will be maintained by the developer up to and including one (1) year after the final building has been constructed.

RECOMMENDATIONS:

1) That the applicant/owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E".

2) That the owner align Chedmac Drive in the vicinity of Lots 137 to 147 (red-lined revised as Lots 136 to 146), and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 180 (red-lined revised as Block 179), in conjunction with the development of the subdivision lands, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department.

3) That the applicant/owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road.

4) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City in conjunction with registration of the Final Plan of Subdivision.

5) That the applicant/owner convey all the necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton.

6) That the applicant/owner convey Block 184 (red-lined revised as Block 183) to the City of Hamilton for Park/Open Space.

7) That the applicant/owner retain the services of qualified professionals to complete an environmental study to provide details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Regional Environment Department. Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be reduced.

8) That the applicant/owner provide fencing to all residential lots adjacent to the proposed stormwater management facility.

9) That the applicant/owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial and otherwise of the City of Hamilton.

10) That the applicant/owner submit a phasing strategy or report and phasing plan to the satisfaction of the Regional Environment Department. The phasing strategy or report will include how each phase will be serviced, including the timing of construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations.

11) That the applicant/owner submit a sediment and erosion control plan to the satisfaction of the Regional Environment Department and that sediment and erosion control methods (i.e. sodding) be maintained during the development of the subject lands.

The submitted plan prepared by B.J. Clarke, O.L.S. dated July 10, 1996 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

The Regional Environment Department, Development Department further advised:

"FOR INFORMATION

1) As a result of the required road widening dedication from the subject lands adjacent to Chedmac Drive, the 5% park dedication area (Block 184 (red-lined revised as Block 183)) must be revised accordingly.

2) Although not shown, the centreline radius of Chedmac Drive adjacent to Lots 137 to 147 (red-lined revised as Lots 136 to 146) inclusive, must be a minimum of 110 metres.

RECOMMENDATIONS

12) That the owner dedicate by certificate, a road widening adjacent to Block 184 (red-line revised as Block 183), as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south.

13) That the owner pay any applicable servicing costs to the City associated with the 0.30m reserve known as Part 20 on Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 184 (red-line revised as Block 183) and the east limit of Street "B"."

The Regional Environment Department, Development Division provided additional comments which are attached as APPENDIX "C".

COMMENTS:

1. The proposal will comply with the intent of the Official Plan of the City of Hamilton upon approval of OPA No. 135.

2. The proposal complies with the approved Mountview Neighbourhood Plan. In accordance with the neighbourhood plan, the applicant should be required to dedicate Block 181 to the City of Hamilton as a 20.12 m wide pedestrian walkway. The size and location of the walkway was identified on the neighbourhood plan. In addition, a minor revision to the approved neighbourhood plan is required to recognize the configuration of the cul-de-sac at the westerly end of the proposed plan of subdivision.

3. The Regional Environment Department has advised that as a condition of draft plan approval, the applicant will be required to design and construct the stormwater management facility to the satisfaction of the Regional Environment Department. It is noted that depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be reduced.

4. As a condition of draft plan approval, the Owner should be required to dedicate Block 183 to the City of Hamilton for park purposes. The approved Mountivew Neighbourhood Plan provides for a 4.42 ha neighbourhood park, of which approximatly 0.70 ha of land is located within the proposed plan of subdivision.

5. On February 2, 1995, an application was made by Starward Homes for an Official Plan Amendment for the subject lands located between Scenic Drive and Chedmac Drive, west of Rice Avenue. The application was made in order that Starward Homes could proceed with developing the subject lands for low density residential uses independently of the Secondary Plan submitted by Chedoke Health Corporation as part of Official Plan Amendment OPA-MTV. The proposed land use designations on the Starward Homes application are the same as those proposed by Chedoke Health Corporation.

CONCLUSION:

Based on the foregoing, the applications can be supported.

SR/sr
94-19.3rd

REGIONAL ENVIRONMENT DEPARTMENT

DEVELOPMENT DIVISION

MEMORANDUM

****

TO: P. Mallard
Division Head, Land Use and Urban Design
Planning & Development Department

YOUR FILE: ZAC-94-19

FROM: E. P. Chajka, P. Eng.
Manager, Development Division
Environment Department

OUR FILE : S720-32

PHONE: (905) 546-2809
FAX: (905) 546-2870

SUBJECT: **Rezoning Application 94-19 and Subdivision Application 94-02**

DATE: 1996 September 11

We have the following comments and recommendations with respect to the above noted proposed rezoning and subdivision applications as submitted with your letter of August 14, 1996.

FOR INFORMATION

1) The Department of Public Transit have the following comments:

- It is proposed that bus service will operate on Chedmac Drive in a clock wise direction. Bus stops are proposed at Street "B", at Chedmac Drive and Street "E", Street "A", and possibly Street "E" opposite Lot 160.

- Sidewalks are requested on both sides of roads to provide a safe walking environment.

- The proposed walkway at Beamis Avenue will allow residents north of this subdivision increased transit access.

- The HSR would like to introduce service on Chedmac Drive as early as possible, therefore the developers should take appropriate measures to limit pedestrian exposure to construction hazards.

Cont'd...

Rezoning Application 94-19 and
Subdivision Application 94-02

Cont'd...

2) As a result of the required road widening dedication from the subject lands adjacent to Chedmac Drive, the 5% park dedication area (Block 184) must be revised accordingly.

3) Although not shown, the centreline radius of Chedmac Drive adjacent to Lots 137 to 147 inclusive, must be a minimum of 110 metres.

4) The proposed stormwater management facility will be owned by the City of Hamilton outright, but will be maintained by the developer up to and including one (1) year after the final building has been constructed.

5) Based on the required phasing strategy report, the owner may be required to construct Chedmac Drive to Street "E" and Street "E" during the first phase of development.

RECOMMENDATIONS

1) That the owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E".

2) That the owner align Chedmac Drive in the vicinity of Lots 137 to 147, and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 180, in conjunction with the development of the subdivision lands, to the satisfaction of the Director Of Public Works and Traffic and the Director of the Roads Division of the Transportation Department.

3) That the owner implement the recommendations of a detailed functional engineering study, approved by the Regional Environment Department, showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road.

4) That the owner be responsible for all costs in the upgrading of Sanatorium Road based on the detailed functional engineering study.

5) That the owner assumes all costs on both sides of the internal boundary streets when the subdivider owns the remaining lands abutting the subdivision (i.e. Chedmac Drive and Street "E").

Cont'd...

Rezoning Application 94-19 and
Subdivision Application 94-02

Cont'd...

6) That the owner pay any applicable servicing costs to the City/Region associated with the 0.30m reserve known as Part 20 of Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 184 and the east limit of Street "B".

7) That the owner dedicate by certificate, a road widening adjacent to Block 184, as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south.

8) That the owner dedicate sufficient lands to the City, in accordance with recommendations of the approved functional engineering study for Sanatorium Road, from Street "E" to Scenic Drive, adjacent to Block 180, and that these lands (for road widening) be included on the Final Plan of Subdivision as a separate Block. to be dedicated as public highway to the City by Certificate.

9) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City in conjunction with registration of the Final Plan of Subdivision.

10) That the owner convey all necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City .

11) That the owner convey Block 184 to the City for Park/Open Space.

12) That the owner retain the services of qualified professionals to complete a comprehensive design study and implement the details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Regional Environment Department.
Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be reduced.

13) That the owner provide fencing to all residential lots adjacent to the proposed stormwater management facility.

14) That the owner be required to enter into a subdivision agreement with the City prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City.

Rezoning Application 94-19 and
Subdivision Application 94-02

Cont'd...

15) That the owner submit a phasing strategy report and phasing plan to the satisfaction of the Regional Environment Department. The phasing strategy report will detail the servicing of each phase, including the timing of construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations.

16) That the owner submit a sediment and erosion control plan to the satisfaction of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

a) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

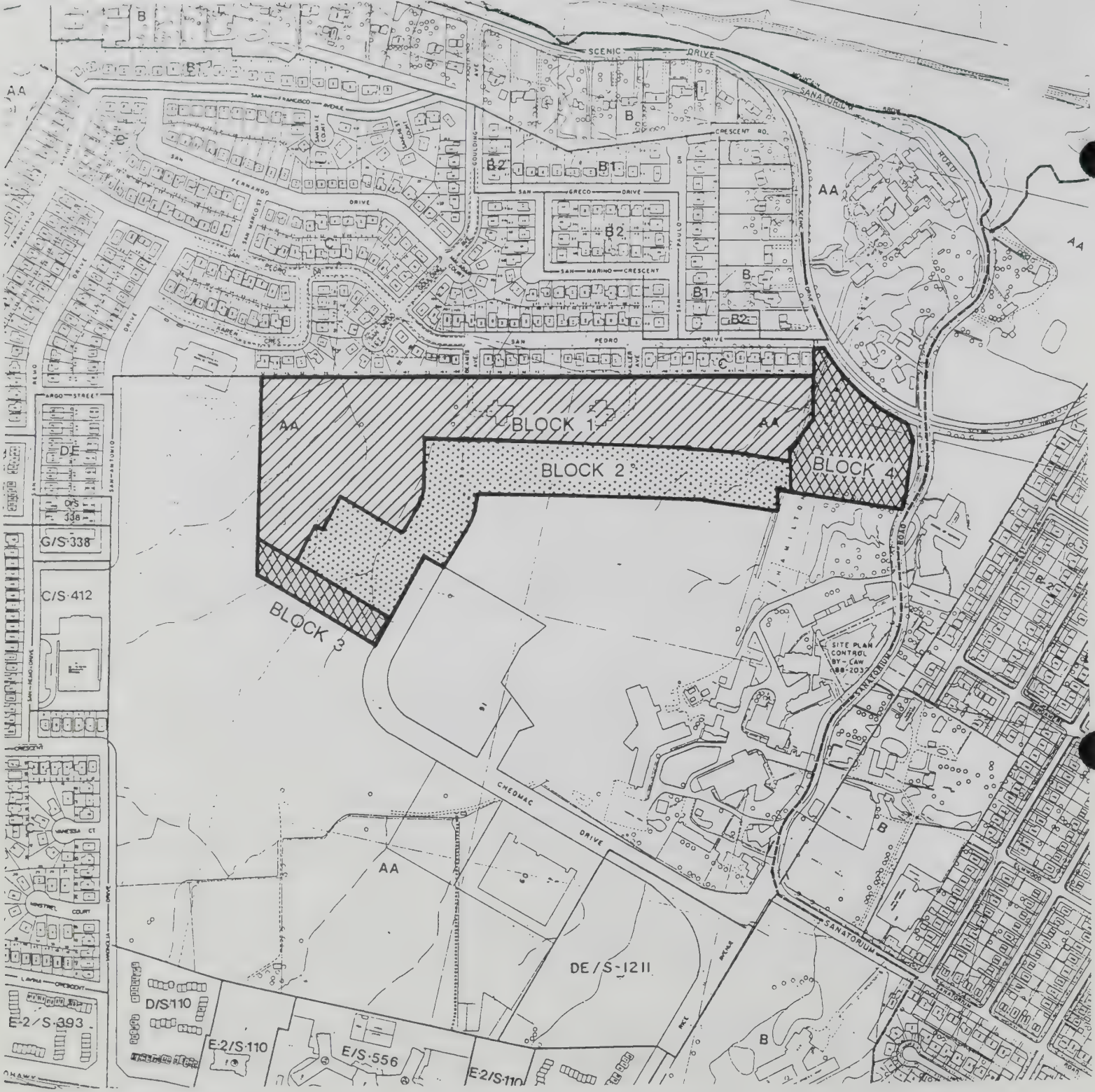
b) That the owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Senior Director, Roads Department;

c) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

The submitted plan prepared by B.J. Clarke, O.L.S. stamped with the date July 10, 1996 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations.

MPS



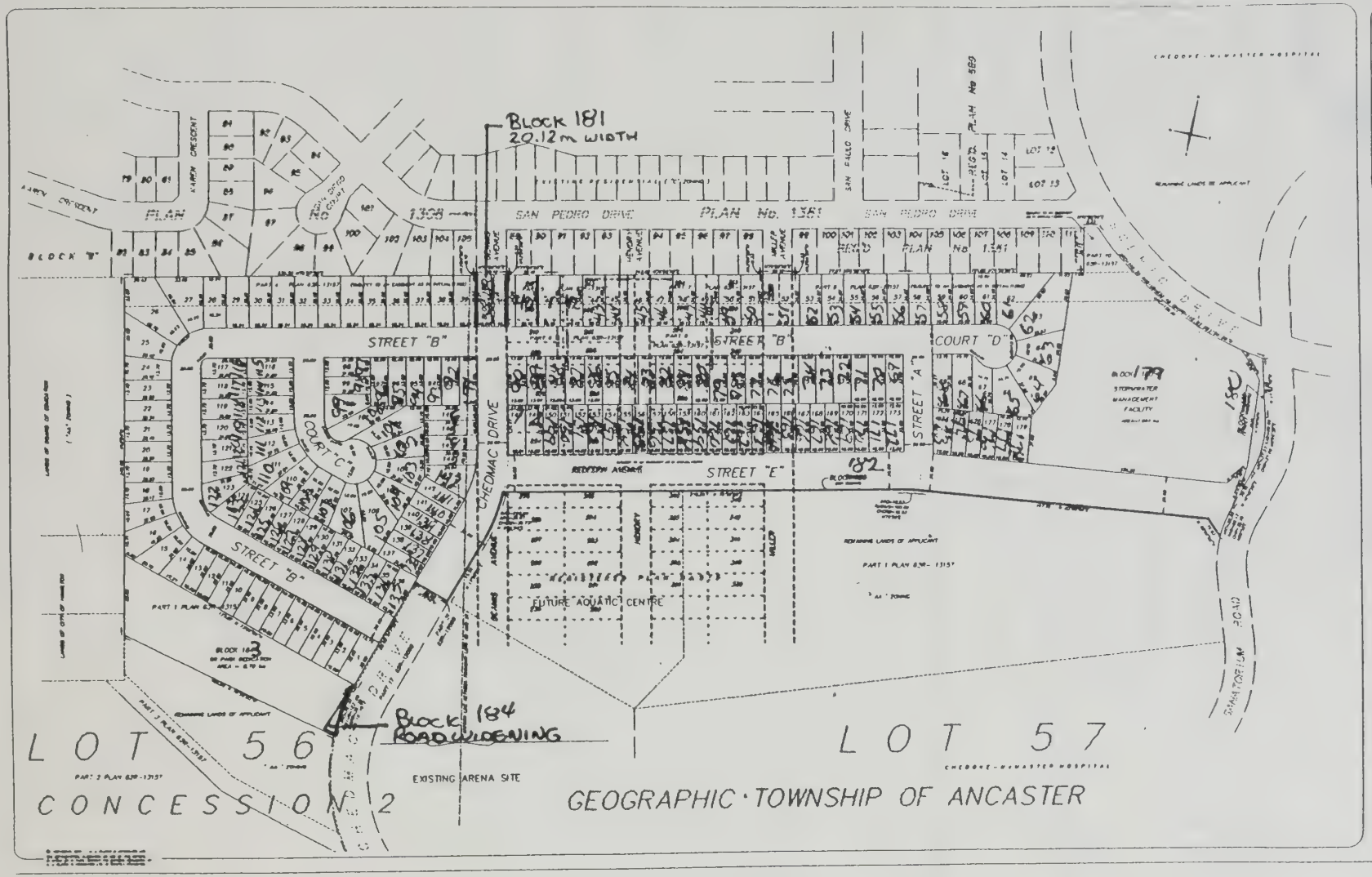
Legend

Proposed change in zoning from:

BLOCK 1		"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
BLOCK 2		"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District
BLOCK 3		"AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District
BLOCK 4		"AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District

ZAC-94-19

APPENDIX "A"



KEY PLAN



DRAFT PLAN OF

TIFFANY

CITY OF HAMILTON

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC

RE: CHAPTER P.13 R.S.O. 1990 SECTION 51(1) THE PLANNING ACT

SURVEYOR'S CERTIFICATE

OWNER'S AUTHORIZATION

LAND USE SCHEDULE

SUBDIVISION DRAFT APPROVAL

A. J. Clarke and Associates Ltd.

APPENDIX "B"

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 Sept 12.

2a)

Hamilton Region Conservation Authority
P.O. Box 7099, 838 Mineral Springs Road
Ancaster, Ontario L9G 3L3
Telephone (905) 648-4427
Fax (905) 648-4622
e-mail hrca1@interlynx.net

SEP 12 1996

PLAN REVIEW REPORT TO: THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH - DEVELOPMENT DIVISION

DATE: September 9, 1996 YOUR FILE: 25T-94004(R) OUR FILE: 25T-94004(R)

AREA MUNICIPALITY: Geographic Township of Ancaster - City of Hamilton

LOCATION: Part Lots 56 & 57, Concession 2

NAME OF APPLICANT: Chedoke McMaster Hospitals-A.J. Clarke & Associates Ltd.

APPLICATION TYPE: (check as many as are applicable)	SUBDIVIS/ CONDO	SEVERANCE	ROPA	ZBY-LAW	VARIANCE/ SITE PLAN
	X			X	
APPLICATION NO:	25T-94004 (Revised)			ZAC-94-19	

cc: Mr. Victor Abraham, Director of Planning - City of Hamilton
Secretary, Planning and Development Committee - City of Hamilton

SECTION A: CONSERVATION AUTHORITY

RECOMMENDATION: (1 of 3 options)

☐ 1) Approve application - no conditions

☒ 2) Approve application - subject to conditions

☐ 3) Deny application

CONDITIONS:

1. That the applicant/owner prepare and implement an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and;

a) That all erosion and sediment control measures be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) That all erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;

c) That any disturbed area not scheduled for further construction within 45 days be provided with suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction;

2. That the applicant/owner prepare and implement a Grading Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

3. That the applicant/owner prepare and implement a Tree Preservation Plan for the subject property.

4. That the applicant/owner submit a stormwater management report for the subject property that details the area designated for stormwater management is of sufficient size and that this facility incorporates a "natural pond" design.

COMMENTS:

The subject property is not located within an area regulated by the Hamilton Region Conservation Authority. As such, a permit from this agency is not required for the proposed development.

The subject lands are currently vacant with the exception of two buildings that are to be removed upon development of the lands. The site is also surrounded by residential and institutional uses. Development, demolition, grading and the addition of impervious surfaces may increase erosion and sedimentation both on and off the site. In this regard, an Erosion and Sediment Control Plan and Grading Plan should be prepared and implemented for the subject property.

Block 180 of the proposed subdivision will be used for a stormwater management facility. Authority staff have provided comments regarding the issue of stormwater management for this area in the previous circulation of this subdivision (see attached letter). We would like to reiterate our comments by requesting that the applicant/owner of the subject property submit a stormwater management report that details the area designated for stormwater management is of sufficient size and that this facility incorporates a "natural pond" design. Authority staff support stormwater management that implements "natural design" features.

Based on the above, Authority staff request that a stormwater management report be submitted prior to this agency finalizing conditions for draft approval.

SECTION B: MNR

RECOMMENDATION: (1 of 3 options)

☐ 1) Approve application - no conditions

☒ 2) Approve application - subject to conditions

☐ 3) Deny application

CONDITIONS: 1. Prior to final registration of this plan of subdivision, the following reports must be submitted and approved by Authority staff describing:

a) The manner in which stormwater will be conveyed from the site, including how the subdivision ties into existing development.

b) Appropriate Best Management Practices (BMPs) to be used to treat stormwater, to ensure no negative impact on the quality or quantity of ground and surface water resources as it relates to fish and their habitat.

Note: Stormwater will not be permitted to enter the watercourse untreated, both during or after development.

c) Erosion and Sedimentation Control Plans that include maintenance requirements for all employed devices.

2. That detailed plans be submitted regarding alterations or outlets to the watercourse. Any alterations require a permit under the Lakes

and Rivers Improvement Act. This information should be submitted with the requirements of condition 1.

3. That the applicant/owner agree in the subdivision agreement:

a) to carry out the works referred to in condition 1

b) to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period.

COMMENTS:

The subject lands are drained by a watercourse which flows over the escarpment and into Cootes Paradise. Water quality must be maintained or enhanced in this area to levels required to sustain fishery resources. Proper stormwater management techniques and erosion and sediment control measures must be employed on site both during and after construction to eliminate the possibility of negative impacts on the downstream water quality as it relates to fish and their habitat. Stromwater leaving the site will require "treatment", both during and after development. "Treatment" refers to the use of appropriate Best Management Practices to provide some form (or forms) of water quality abatement usually accomplished by allowing stormwater runoff to infiltrate into the ground or through temporary stormwater detention or retention that would allow some settling of suspended solids and associated contaminants, prior to release. Authority staff request that a stormwater management study be completed seeing that a pond site is proposed in this area. Please note, Authority staff would like involvement in the review and approval of this stormwater management study, to ensure the design criteria also meets provincial objectives.

B. Scott Konkle, O.A.L.A.
Director of Planning and Engineering

September 9, 1996
Date

Hamilton Region Conservation Authority

August 31, 1994 25T-94004 A

Mr. L. Lanza, P.Eng., Manager
Land Development
Planning and Development Department
Regional Municipality of Hamilton-Wentworth
P. O. Box 910
Hamilton, Ontario.
L8N 3V9

Dear Sir:

Re: 25T-94004 - Tiffany - P.Lots 56 & 57, Conc. 2,
geographic Town of Ancaster, now City of Hamilton

Staff of the Hamilton Region Conservation Authority have reviewed the above noted application and offer the following comments for your consideration.

Block 174 of the proposed subdivision is to be used as a stormwater management pond. The stormwater management report prepared for the Mountview Neighbourhood Plan outlines that a traditional stormwater management pond that is fenced and incorporates 3:1 side slopes is proposed. Through our discussions with the Region's Transportation and Environmental Services Department, it is our understanding that this is not suitable.

Both the Transportation and Environmental Services Department and the Ministry of Natural Resources are encouraging the owner of the subject property to develop a stormwater management report that utilizes the natural features of the land and incorporates "natural pond" design. This would include ensuring that the areas needed for natural stormwater management ponds are of a sufficient size. Authority staff fully support stormwater management that implements "natural design" features.

The subject property is located within the Mountview Neighbourhood Plan area. Authority staff note that this Neighbourhood Plan has been turned down by Council. The revised Neighbourhood Plan should examine "natural design" and the utilization of the natural features of the land in stormwater management.

Based on the above, staff of the Hamilton Region Conservation Authority view application 25T-94004 as being premature.

Should you have any questions regarding this matter, please contact Mr. Scott Peck, Acting Senior Planner, at this office.

Yours truly,

B. Scott Konkle, O.A.L.A.
Director of Planning & Engineering.

SVTSP/pr

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 (905) 525-2181 or 648-4427 Office Fax 648-4622 Shop Fax 525-2214

3.

CITY OF HAMILTON

- RECOMMENDATION -

3:40
SEP 1 3 1996

DATE: 1996 September 10
ZAR-96-10
Grayside Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - Lands located on the north side of Barton Street East, east of No. 244 Lake Avenue North.

RECOMMENDATION:

(a) That approval be given to Amended Zoning Application 96-10, E.L. Richter, leesee, for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and to the "JJ" (Restricted Light Industrial) District regulations for Block "2", to permit parking only, in conjunction with the adjacent lands located at No. 244 Lake Avenue North, for lands located on the north side of Barton Street East, east of No. 244 Lake Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 7.(1) of By-law No. 6593, a parking area only as an accessory use to a permitted use at No. 244 Lake Avenue North, shall be permitted; and,

(2) Sections 18A.(11) and 18A.(12) shall not apply to a parking area accessory to a permitted use at No. 244 Lake Avenue North;

(ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A.(1) of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

(1) Notwithstanding Section 16A.(1) of By-law No. 6593, a parking area as an accessory use to a central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products use located at No. 244 Lake Avenue North, shall be permitted;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-113 be notated S- ;

(iii) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council; and,

(iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and to the "JJ" (Restricted Light Industrial) District regulations for Block "2", for lands located on the north side of Barton Street East, east of No. 244 Lake Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the use of the subject lands for parking only, in conjunction with the adjacent lands located at No. 244 Lake Avenue North.

In addition, the By-law provides the following variance as special requirement:

- eliminates the requirement for a 1.5 m landscaped planting strip and a visual barrier, abutting the northerly rear and easterly side lot lines of Block "1", which abut an "A" (Conservation, Open Space, Park and Recreation) District, which is considered a residential district.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is our understanding that the subject lands, which are owned by the City of Hamilton, were paved a number of years ago for parking purposes by a former owner of No. 244 Lake Avenue North. The situation was brought to the attention of the City and current owner of 244 Lake Avenue North during the review of a recent rezoning application for 244 Lake Avenue North (see ZAR-96-02 below). The owner of 244 Lake Avenue North subsequently sought, and was granted on May 14, 1996, a Lease Agreement with the City of Hamilton, to permit employee and customer parking upon the subject lands. It is the intent of the applicant to utilize the existing parking area as accessory parking for a new tenant locating within the building at No. 244 Lake Avenue North. Since the subject lands are not appropriately zoned for the parking use, rezoning application ZAR-96-10 is required as a condition of the lease agreement.

- Zoning Application ZAR-96-02 and By-law NO. 96-093

As a result of rezoning application ZAR-96-02, the "JJ" (Restricted Light Industrial) District regulations applicable to the lands located immediately to the west of the subject lands, known as 244 Lake Avenue North, were modified by By-law No. 96-093 to allow an additional use within the existing building and a proposed addition. Specifically, the By-law permits, as an additional use, a warehouse, showroom, and office space for a central mail order business and retail outlet, for industrial and agricultural parts, equipment accessories and related products. The applicant was also required to erect a chain link fence for the rear 38.5 m ((126.31 ft.) of the subject lands, to control access onto the ravine lands.

In addition, as a result of the review of the application, it was determined by City staff that a strip of City owned land approximately 40 ft. (12 m) wide and 97.7 m (320.55 ft.) deep, abutting 244 Lake Avenue North, had been paved (by a previous owner) and was being utilized for parking in conjunction with the building at 244 Lake Avenue North. The subject lands comprise approximately the front 23.97 m (78.63 ft.) of this paved parking area. As the City lands form part of the Stoney Creek ravine, as a condition of rezoning, the applicant was required to enter into an agreement with the City which provides for the removal of the pavement from City owned lands, and immediate revegetation with native plant species. The agreement includes the subject lands, however, states that should the lease agreement and rezoning for the subject lands be successful, then the applicant shall not be required to remove the pavement and revegetate that portion of City owned lands.

APPLICANT:

E. L. Ritcher, leesee.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 21.65 m (71.03 ft.) of lot frontage on Barton Street East;
- 23.97 m (78.63 ft.) of lot depth; and,
- 283.17 m^2 (3,048.17 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	parking area	"JJ" (Restricted Light Industrial) District and "A" (Conservation, Open Space, Park and Recreation) District
Surrounding Lands		
To the north	open space and light industrial/commercial	"JJ" (Restricted Light Industrial) District, modified and "A" (Conservation, Open Space, Park and Recreation) District
To the south	open space	"A" (Conservation, Open Space, Park and Recreation) District
To the east	open space	"A" (Conservation, Open Space, Park and Recreation) District
To the west	light industrial/ commercial	"JJ" (Restricted Light Industrial) District, modified

OFFICIAL PLAN:

The subject lands are located at the boundary between an "Open Space" and "Industrial" designation on Schedule "A" - Land Use Concept of the Official Plan. The use is permitted within the "Industrial" designation, and furthermore, Policy D.8.2 regarding Interpretation, states that the boundaries between the classes of land use designations are only intended to be general,

and that minor adjustments may be made in respect of these boundaries. In this regard, the proposal may be considered a minor extension and does not conflict with the Official Plan land use designations.

In addition, the subject lands are located adjacent to a "Hazard Lands" designation on Schedule C -Hazard Lands. The Official Plan states that no development or major landscape alterations are permitted within "Hazard Lands" and requires that Conservation Authority mapping be referred to for precise delineation of "Hazard Lands". The proposal does not conflict with the Official Plan, since the parking area has existed for a number of years and no further development is proposed.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Grayside Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. A portion of the land under this application is zoned "JJ" District. Therefore, both zones shall be addressed.

  2. The land shall only be used for parking for a permitted use.

  3. No parking layout has been submitted to determine compliance to the parking requirements of Section 18A of Zoning By-law 6593."

- The Traffic Division has advised that the application is satisfactory.

- The Hamilton Region Conservation Authority has advised that:

  "Portions of the subject property are located within a regulated area associated with Stoney Creek. As such, this area is subject to Ontario Regulation 151/90, the Fill, Construction and Alteration to Waterways Regulation of the Hamilton Region Conservation Authority. Any proposal to place or remove fill material, erect a structure or alter a waterway within a regulated area will require a permit issued by this agency.

  In a previous zoning application (ZAR-96-02), staff comments on a proposed addition that was to be added to the existing building located on 244 Lake Avenue North. Through site inspections and discussions with City staff, we noted that the paved area on the east side of the existing building extends beyond the property line onto city of Hamilton lands along the edge of the ravine. To reiterate our comments, staff are concerned about the

potential impact of future activities on the ravine. It was understood that any pavement located on public lands would be removed, as a condition of zoning approval. Conservation Authority staff supported this and requested additional measures be taken to protect the ravine slope (see attached). Our conditions still apply.

Application ZAR-96-10 outlines that the applicant wants to use a portion of public land for parking. We are concerned that the subject property as a parking area will provide an access for illegal dumping onto the ravine slope. This proposal contradicts the previous zoning application ZAR-96-02, as such, Conservation Authority staff do no support application ZAR-96-10."

- The Regional Environment Department has advised that:

"(1) The designated road allowance width of Barton Street is 36.58 m. In accordance with this designation, the Region has previously acquired the required road allowance widening adjacent to lands to be rezoned.

(2) We have reviewed this application on the basis that there will be no direct access to these lands from Barton Street and that access to Lake Avenue will be provided to the satisfaction of the City of Hamilton Department of Public Works and Traffic.

(3) We understand that the applicant/owner has paved and is parking within the Barton Street road allowance, as widened. This boulevard parking and paving requires appropriate agreements with the Region and we recommend that these agreements be made a condition of development approval.

(4) Any other works which may occur within the Barton Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

1. The proposal would not conflict with the land use designations of the Official Plan. With regard to the "Hazard Lands" designation, the Conservation Authority advises that a portion of the subject lands are located within a fill regulated area, and any proposal to place or remove fill material, erect a structure or alter a waterway would require a permit issued by the Authority. Since the application is to recognize an existing situation, there will be no construction occurring which would require approval. The proposal does not conflict with the Official Plan.

2. The application has merit and can be supported on the following basis:

   - The parking area has existed for a number of years and represents a small expansion of the paved parking area at 244 Lake Avenue North and is compatible with and accessory to the adjacent established light industrial/commercial use at 244 Lake Avenue North;

   - The majority of the parking area encroaching onto City owned lands (ie. rear 73.7 m) will be removed and restored to open space, as a condition of the previous application ZAR-9-10; and,

   - The applicant's lease with the City must be renewed annually, therefore, should the parking area pose any problems (ie. illegal dumping into the ravine) the City can discontinue the lease.

3. As per the Building Department comments, the application should be amended to reflect the portion of the lands (Block "2") which are zoned "JJ" (Restricted Light Industrial) District and also require a modification in zoning, to allow parking in conjunction with a use central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products, which is normally not a permitted use within the "JJ" (Restricted Light Industrial) District.

4. A variance is required to Sections 18A (11) and (12) of the Zoning By-law, to eliminate the requirement for a 1.5 m landscaped planting strip and a visual barrier, abutting the northerly rear lot line and easterly side lot line, which abut an "A" (Conservation, Open Space, Park and Recreation) District. The intent of the By-law is to provide a buffer between parking areas and adjacent residential uses. Although the abutting "A" (Conservation, Open Space, Park and Recreation) District is technically a residential zone, the lands are not used for residential purposes. Consequently, the variance can be supported.

5. It should be noted that the Regional Environment Department has indicated that the subject lands abut "Environmentally Significant Area (ESA) No. 51 - Stoney Creek Ravine", as designated by the Hamilton-Wentworth Official Plan. Regional policy states that proposed land use changes adjacent to ESA's will be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review. However, since the application is to recognize an existing parking area, ESAIEG approval is not required.

6. The Conservation Authority in their comments have stated that they are concerned with potential impact of future activities on the adjacent Stoney Creek ravine, specifically, that the subject lands provide an access for illegal dumping onto the ravine slope. Authority staff support removal of the pavement upon the subject lands. However, since the lease applicable to the subject lands must be renewed annually, the City has the option of discontinuing the lease should problems, such as dumping into the ravine, occur. In addition, the only vehicular access to the subject lands is via Lake Avenue, approximately

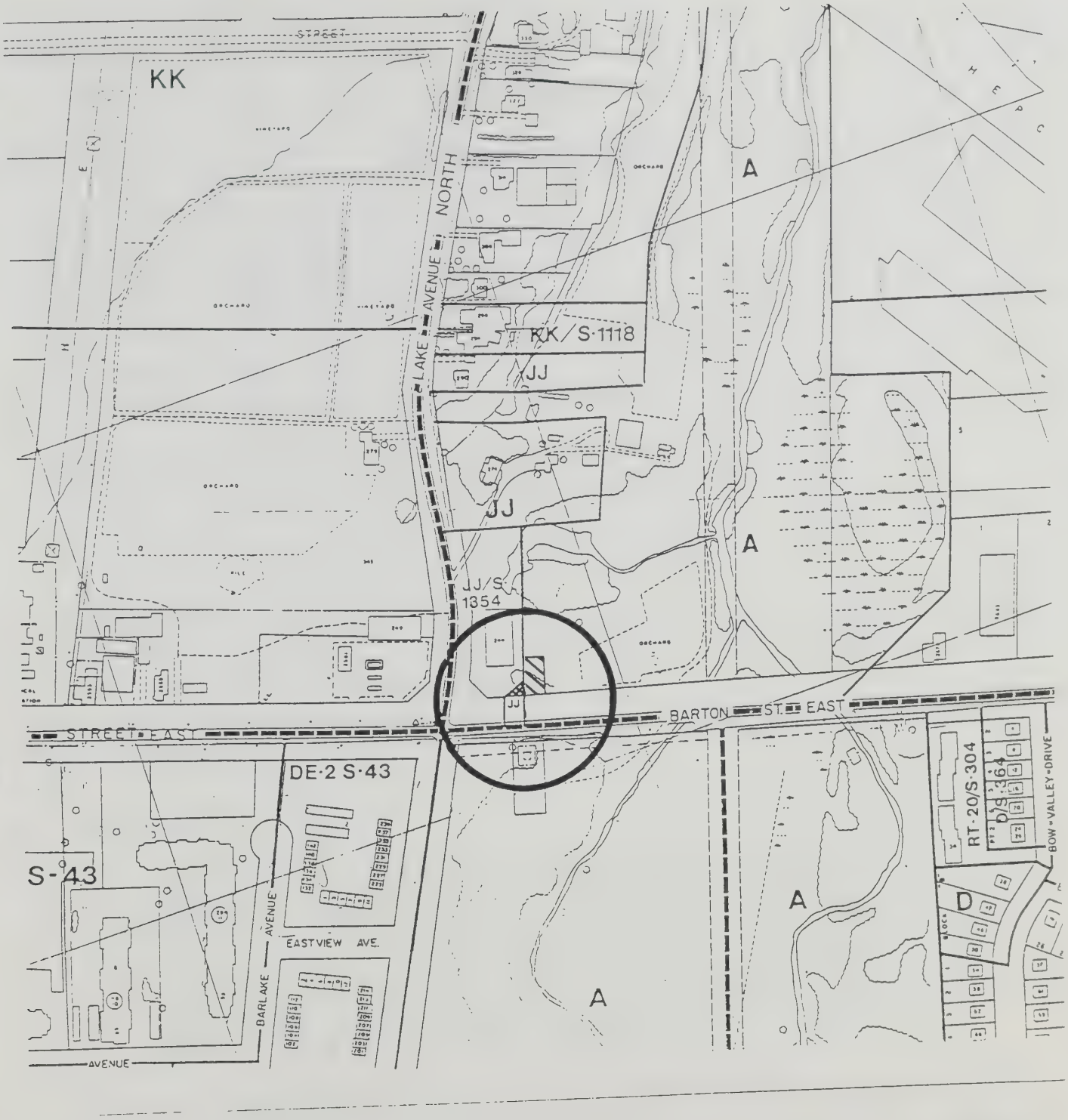
60 m (200 ft.) from Barton Street. In addition, the paved parking area is separated from the Barton Street roadway by a grassed boulevard. Consequently, the parking area is not easily accessible for access and illegal dumping by the public. It should also be noted that the applicant has been required, through Zoning By-law No. 96-093, to erect a chain link fence along the east lot line, to the rear of the building at 244 Lake Avenue North, which controls access to the ravine from the remainder of the site.

7. The comments of the Regional Environment Department indicate that the applicant is required to enter into boulevard parking and paving agreements with the Region. It has been confirmed with the Traffic Division that the applicant has made the appropriate applications and the agreements are being processed. Consequently, it is not necessary to impose this a condition of approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Proposed Modification to the established:

ZAC-96-10

BLOCK 1 — A" (Conservation, Open Space, Park and Recreation) District.

BLOCK 2 — "JJ" (Restricted Light Industrial) District.

APPENDIX A

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 12
(ZAC-94-32 & SAC-94-04)
Gourley Neighbourhood 3:20pm

SEP 1 2 1996

REPORT TO: Tina Agenllo, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision and Change in Zoning - Lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue.

RECOMMENDATION:

Subdivision Application

(a) That approval be given to Subdivision Application 94-04 Starward Homes Ltd. & Ward Campbell/Brian Morison, owners, for a draft plan of subdivision "Orchards North", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 46 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) and 22 lots for small lot interlink single family dwellings, in the Gourley Neighbourhood, under Regional File 25T-94012, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke O.L.S., dated December 8, 1994, and revised in red, showing 46 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes), 22 lots for small lot interlink single family dwellings, and 8 Blocks to be developed with adjoining lands (Blocks 132 - 140 inclusive) and 1 Block for Freeway widening (Block 141), as shown on the attached map marked as APPENDIX "B";

(ii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot, each block and the gross area of the Subdivision in the Final Plan;

(iii) That the final plan conform with the Zoning By-law approved under the Planning Act;

(iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

(v) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

(vi) That the streets be named to the satisfaction of the City of Hamilton;

(vii) That the owner prepare a municipal street numbering plan to the satisfaction of the Director of Planning and Development;

(viii) That Lots 127, 130 and 131 not be developed until the adjacent lands to the south of this plan have been registered under a plan of subdivision or alternatively, that the owner acquire the necessary lands to extend the roadway for each lot southerly to Chester Avenue and that these lands be conveyed to the City by reference plan and deed;

(ix) That the owner acquire the necessary lands to provide a second access to the subdivision lands from either Chesley Street or Annabelle Street in the first phase of development;

(x) That the owner submit a typical utility service and driveway layout for the proposed quattroplex lots (Lots 8-16 inclusive and 105, 109 & 113) for approval by the Regional Environment Department, prior to registration of the final plan of subdivision;

(xi) That the owner convey the necessary lands to the City to establish the road allowance on Brigadoon Drive, adjacent to the flankage of Lot 33, to its full width of 20.0 metres prior to registration of the final plan of subdivision;

(xii) That the owner convey the necessary lands to the City to establish the cul-de-sac bulb on Street "A", adjacent to Lots 72 to 78 (inclusive) to its full width (15.0 metre radius) prior to registration of the final plan of subdivision;

(xiii) That the owner acquire the necessary lands to establish the road allowance adjacent to Lot 127 and Block 136 to its full width of 20.0 metres prior to registration of the final plan of subdivision;

(xiv) That the centerline radius of the road allowance for Brigadoon Drive adjacent to Lots 35 to 38 (inclusive) of the proposed draft plan of subdivision be increased to a minimum radius of 110.0 metres or alternatively, a 90 degree bend be incorporated into the road allowance at this location;

(xv) That the owner provide 9.0 metre radius transitional curves on both ends of the bulb on Street "B" adjacent to Lots 17 and 22 of the proposed draft plan of subdivision;

(xvi) That the owner establish a 3.0 x 3.0 metre daylight triangle on the corner of Lot 115 of the proposed draft plan of subdivision;

(xvii) That the owner establish a 1.0 x 1.0 metre daylight triangle on the corner of Lots 25, 102 and 116;

(xviii) That the owner establish 0.30 metre reserves along the open side of the road allowance on Street "A" and Brigadoon Dive and at the dead-end of the road allowance on Street "B";

(xix) That Street "C" be revised in accordance with the revision to the road design through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves;

(xx) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units;

(xxi) That the owner provide documentation that the standard roadway cross-section, utilities and municipal sidewalks, etc., for a 20.0 m road allowance, can be installed on both sides of Street "A", proposed at 18.0 m width to the satisfaction of the Manager of Development, Regional Environment Department;

(xxii) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority; and,

(xxiii) That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-94-04/25T-94012) Starward Homes Ltd. & Ward Campbell and Brian Morison, owners, proposed draft plan of subdivision, and that the City execute the

agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the approved Gourley Neighbourhood Plan be amended from "Attached Housing" to "Single and Double Residential" for the interlink lots (Lots 102 to 126 inclusive but not including Lots 105, 109 and 113) and the three small lot singles (Lots 6, 7 and 17). In addition, the road pattern be revised to incorporate Street "B", as shown on the "Orchards North" proposed plan of subdivision, into the Gourley Neighbourhood Plan.

(d) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the adjacent Draft Approved plan of Subdivision "Fontana Gardens" (Regional File No. 25T-88016) be revised to reflect the revised neighbourhood road pattern and that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant construct Chelsey Street where it abuts the draft plan of subdivision to the satisfaction of the Regional Commissioner of Environment.

(e) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Zoning Application

(f) That Zoning Application ZAC-94-32, Starward Homes Ltd. & Ward Campbell/Brian Morrison owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks "1", "3", and "9"); "DE" (Multiple Dwellings) District, modified, (Block "2"); "C" (Urban Protected Residential, etc.) District (Blocks "4", "10" and "11"); and, "R-4" (Small Lot Single Family Dwelling) District (Blocks "5", "6", "7" and "8"), for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, as shown on the attached map marked APPENDIX "A", be approved on the following basis:

(i) That Blocks "1", "3", and "9" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District;

(iii) That Blocks "4", "10" and "11" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iv) That Blocks "5", "6", "7" and "8" be rezoned from "AA" (Agricultural) District "R-4" (Small Lot Single Family Dwelling) District;

(v) That the "DE" (Multiple Dwellings) District, as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements;

(a) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

1) a quattroplex dwelling;

(b) That notwithstanding Section 10A.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2.0 storeys in height;

(c) That notwithstanding Section 10A.(3) of Zoning By-law No. 6593, the following shall apply:

1) Minimum Front Yard

a) A front yard of a depth of at least 16.0 m;

b) For a through lot where the private outdoor amenity area is provided in the front yard, a front yard depth of at least 11.0 m;

c) For a through lot where the private outdoor amenity area is provided in the side yard, a front yard depth of at least 6.0 m; and,

d) For a through lot where a garage faces a front yard, the minimum setback to the front of the garage shall be 6.0 m;

2) Minimum Rear Yard

a) A rear yard of a depth of at least 6.0 metres;

3) Minimum Side Yard

a) For the two dwelling units closest to the front lot line, a minimum side yard along each side lot line, of a width of at least 3.0 m;

b) For the two dwelling units closest to the rear lot line, a minimum side yard along each side lot line, of a width of at least 1.2 m;

c) For a through lot a minimum side yard along each side lot line of a width of at least 1.8 m;

(d) That notwithstanding Section 10A.(4) of Zoning By-law No. 6593, the following shall apply:

1) each quattroplex dwelling on a lot shall have a lot area not less than 800.0 m^2 and a width of not less than 20.0 m; and,

2) each quattroplex dwelling on a through lot shall have a lot area not less than 880.0 m^2 and a width of not less than 22.0 m;

(e) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, the following shall apply:

1) not less than 45% of the area of the lot shall be used for landscaped area;

2) each dwelling unit shall be provided with a private outdoor amenity area;

3) an externally accessible storage shed, having a minimum gross floor area of 2.0 m^2 and a maximum height of 2.25 m, shall be incorporated into the amenity area for each dwelling unit as part of the dwelling unit design, if no garage is provided; and,

4) a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the rear lot line and side lot line where it abuts the rear yard;

(f) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, the following shall apply:

1) Each dwelling unit in a quattroplex dwelling shall be provided with a minimum of two parking spaces;

2) The required parking spaces for each dwelling unit may be stacked;

3) A parking space shall be a rectangular area having a minimum, unobstructed width of 2.7 m and a minimum unobstructed length of 5.4 m;

4) For interior lots each parking area shall be provided with bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area;

5) The minimum width of a driveway shall be 2.8 m and the maximum width shall be 5.5 m;

6) The maximum number of driveways on a lot shall not exceed 4;

7) No driveway shall be located closer that 0.8 m to another driveway and no closer than 0.4 m to a side lot line;

8) Section 18.(14) of Zoning By-law No. 6593 shall not apply; and,

9) Section 18A.(14a) of Zoning By-law No. 6593 shall not apply;

(g) Notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, the following provisions shall apply:

1) A roofed-over but otherwise unenclosed porch may project a maximum of 2.0 m into the front yard;

2) A roofed-over but otherwise unenclosed porch for the two dwelling units closest to the rear lot line shall be permitted in the side yard provided that the porch is located a minimum of 1.2 m from the side lot line;

(h) That notwithstanding Sections 18.(4) and 18.(13) of Zoning By-law No. 6593, no swimming pool, accessory building or structure shall be permitted, except as permitted in Subsection f)(v)(e);

(i) For the purpose of Subsection (f)(v)(a), the following shall apply:

1) **Dwelling, Quattroplex** shall mean a building not more than one single family dwelling in height, designed to contain four dwelling units, attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,

(a) has a separate front entrance; and

(b) is joined on one side by a party wall to another dwelling unit in the same row; and

(c) is joined by a common vertical back wall.

(j) For the purpose of Subsection (f)(v)(e), the following provisions shall apply:

1) Private Outdoor Amenity Area shall mean a landscaped open space area abutting a dwelling unit, having a minimum area of 30.0 square metres, excluding any area occupied by an accessory shed, and a minimum width and depth of 4.5 metres, which may be located in any yard provided it is a minimum distance of 11.0 metres from the front lot line, and a minimum distance of 5.5 metres from any street for a through lot; and,

2) The private amenity outdoor area for each dwelling unit located in the front yard or side yard shall be enclosed by a visual barrier having a minimum height of 1.8 metres and a maximum height of 2.0 metres;

(k) That notwithstanding Section 18(4)(iv) of Zoning By-law No. 6593, the following shall apply:

1) An accessory shed is permitted in any required yard, provided that the accessory shed is located in the Private Outdoor Amenity Area and is a minimum of 0.45 m from the side lot line and rear lot line.

(vi) That the "R-4" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to Blocks "5", "6", "7" and "8", be modified to include the following variances as special requirements:

(a) That notwithstanding Section 9A(1) of Zoning By-law No. 6593, only the following use shall be permitted:

1) A single family dwelling;

(b) That notwithstanding Section 9A.(2)(a) of Zoning By-law No, 6593, the following shall apply:

1) No building or portion of a building shall exceed 1 storey and 4.5 metres in height for that portion of the building located within 3.5 metres or less of any rear lot line;

(c) That notwithstanding Section 9A.(2)(b)(1)(i) of Zoning By-law No. 6593, the following shall apply:

1) A front yard having a depth of not less than 3.5 m to the main wall of the dwelling;

2) A front yard having a depth of not less than 7.0 m to the garage or carport where the lot fronts onto a 18.0 m road allowance

(d) That notwithstanding Section 18A.(1)(f) of Zoning By-law No. 6593, a manouvering space having a unobstructed width of 2.7 m and a minimum unobstructed length of 7.0 m shall be provided and maintained;

(e) That in addition to the requirements of Section 9A.(2)(b)(1)(iv) of Zoning By-law 6593, the following shall apply:

1) A minimum landscaped open space area of 41 m^2 having a minimum width of 5.50 m and a minimum depth of 6.0 m shall be provided and maintained in the rear yard;

(f) That notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, the following shall apply:

1) No interior lot for a single family dwelling shall have a lot area of less than 220 m^2 or a lot width of less than 11.0 m;

2) No corner lot for a single family dwelling shall have a lot area of less than 220 m^2 or a lot width of less than 12.0 m;

(g) That a visual barrier of not less that 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the rear and side lot line and side lot line where it abuts the rear yard;

(h) No door, window or other opening shall be permitted in the wall of a dwelling where the wall is within 3.5 m or less, of the rear yard landscaped area of an abutting property and faces said rear yard landscaped area;

(i) That notwithstanding Sections 18.(4) and 18.(13) of Zoning By-law No. 6593, no swimming pool, accessory building or structure shall be permitted.

(vii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the Blocks "2", "5", "6", "7", and "8", on Zoning District Map W-17B be notated S - ;

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council;

(ix) That the By-law not be forwarded to Council until such time as the applicant has submitted a revised plan of subdivision incorporating the revision to Street "C" through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves;

(x) That the Gourley Neighbourhood Plan be amended to redesignate the proposed interlink lots and three small lot singles [(lots 6, 7 & 17 as shown on the proposed plan of subdivision (APPENDIX "B")] from "Attached Housing" to "Single and Double" and to reflect the proposed change in the road pattern. In addition, the proposed quattroplexes and interlinks should be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note; and,

(xi) The application complies with the City of Hamilton Official Plan.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide changes in zoning for lands located in the area south of the proposed Mountain Freeway, and west of West Fifth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

Blocks "1", "3", and "9"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;
Block "2"	-	from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District, modified;
Blocks "4", "10" and "11"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
Blocks "5", "6", "7" and "8"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, modified.

The effect of the by-law is to permit development of the subject lands as outlined below:

Blocks "1", "3", and "9"	-	51 Small Lot Single Family Dwellings;
Block "2"	-	12 Quattroplex (fourplex) Dwellings (total of 48 units);
Blocks "4", "10" and "11"	-	46 Single Family Dwellings; and,
Blocks "5", "6", "7" and "8"	-	22 Small Lot Interlink Single Family Dwellings.

Blocks "5", "6", "7" and "8" - 22 Small Lot Interlink Single Family Dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Starward Homes Ltd. & Ward Campbell/Brian Morison.

Agent and Surveyor:

Barry J. Clarke, O.L.S., A.J. Clarke and Associates Limited, Hamilton.

Location:

The lands are located south of the proposed Mountain Freeway and west of West Fifth Street, in the Gourley Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is comprised of two parcels of land with a total area of approximately 7.99 hectares. The larger parcel of land has an irregular configuration and has:

- a width of approximately 240 metres (787 feet);
- a maximum depth of approximately 367 metres (1,204.1 feet); and,
- a lot area of approximately 7.64 hectares (18.9 acres).

The second parcel of land has:

- a width of 19.6 metres (65.5 feet);

- a depth of approximately 180.5 metres (592 feet); and,
- a lot area of approximately 0.35 hectares (0.87 acres).

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural)" District
Surrounding Land Use		
to the north	Attached Housing and Low Density Apartments	"RT-10" (Townhouse) District, modified, "RT-20" (Townhouse - Maisonette) District, modified, "DE" (Low Density Multiple Dwellings) District, modified, "DE-2" (Multiple Dwellings) District, modified, and "AA" (Agricultural) District
to the south	Institutional and Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the west	Single Detached Dwellings	"R-4" (Small Lot Single - Family Dwelling) District, "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, and "AA" (Agricultural) District

SUBDIVISION PROPOSAL

The applicant is proposing to establish a plan of subdivision, "Orchards North", comprising of 46 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) 22 lots for small lot interlink single family dwellings, 8 Blocks to be developed with adjoining lands, and 1 Block for Freeway widening.

REZONING PROPOSAL

The applicant is requesting the following changes in zoning as shown on APPENDIX "A":

Blocks "1", "3", and "9"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;
Block "2"	-	from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District, modified;
Blocks "4", "10" and "11"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
Blocks "5", "6", "7" and "8"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, modified.

Hamilton-Wentworth Official Plan:

The lands are within the "Urban Policy Areas" and identified as "Proposed Development, Residential and Related Uses". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed plan of subdivision and changes in zoning comply with the intent of the Official Plan.

Neighbourhood Plan:

The lands are designated "Single & Double Residential" and "Attached Housing - Innovative Housing" in the approved Gourley Neighbourhood Plan. However, a neighbourhood plan amendment is required.

The area designated "Attached Housing - Innovative Housing" includes cluster housing, small lot singles and retirement village as possible uses. Although the density of the quattroplexes falls within the "Attached Housing" designation, the proposed interlinks are more consistent with the "Single and Double" designation both in density and form. Accordingly, an amendment is required to redesignate the proposed interlink lots (Lots 102-104, 106-108, 110-112, 114-117, 118-120, 121-123, and 124-126 inclusive) and three small lot singles (lots 6, 7 & 17 on the proposed plan of subdivision) from "Attached Housing" to "Single and Double" and to reflect the proposed change in the road pattern. The proposed quattroplexes and interlinks should continue

to be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note.

Comments Received:

- The following agencies have no comment or objection:

  - the Building Department
  - the Hamilton Region Conservation Authority

- Traffic Division, Department of Public Works and Traffic has advised:

  "The development as proposed will generate a significant increase in traffic volumes on the existing local streets in the neighbourhood. Therefore, we recommend that development of the subject lands be conditional on the establishment of the local streets between the subject lands and Chester Avenue in order to provide access to the development from both West 5th Street and Garth Street."

  After reviewing conceptual information regarding the quattroplex units and interlink housing, the Traffic Department has advised:

  "1. It is our understanding that the quattroplex units will be considered as multiple dwellings for the purpose of calculating required parking. Therefore, each block will require off-street parking at the rate of 1.25 spaces per unit or 5 spaces.

  Our review of the concept plan indicates that only one parking space per unit is to be provided on private property for the units on the north side of Street B. It should be noted that the promotional material submitted by the applicant indicates that each unit has two private parking spaces when in fact one space will be located partially on the road allowance which is not within the control of the developer. This may be misleading to potential buyers of these units.

  2. By reducing the road allowance from the standard 20.0 m to 18.0 m and maintaining an 8.5 m pavement width, the number of vehicles that can be accommodated off-street may be limited to one vehicle per unit. In the event that the final plans include sidewalks on the north side of Street B, space for only one vehicle will be available.

  The minimal amount of off-street parking provided will increase the demand for on-street parking. However, the number and proximity of the driveways along the

frontage of Street B, will minimize and/or eliminate the availability of on-street parking. We anticipate that if the development proceeds as proposed, there will be a significant shortage of parking in the area.

Therefore, it is essential that the parking provided for the units on the north side of Street B meet the minimum requirements of the Zoning By-law and we would suggest that the road allowance be increased to the standard 20.0 m to maximize the number of vehicles that can be accommodated off-street.

3. We recommend that the 6.0 m front yard requirement for single family residential development be maintained for the area in front of the garages of the interlink homes in order to provide the opportunity to park one vehicle in the required parking space in the garage and one vehicle on private property in front of the garage.

4. We recommend that the individual 2.7 m wide driveways be combined as 5.4 m wide double driveways to maximize the size of the landscaped areas, facilitate maintenance and improve the appearance of the development. It should be noted that it appears that the total paved area proposed in the front yards of the quattroplex units exceeds that permitted by the Zoning By-law, 50%, for one, two and three family dwellings."

- The Regional Environment Department, Development Division advised:

"We have the following comments and recommendations with regard to the above noted draft plan of subdivision as submitted to the City stamped with the date 1995 December 20.

RECOMMENDATIONS:

1. That Lots 127 and 130 not be developed until the adjacent lands to the south of this plan have been registered under a plan of subdivision or alternatively, that the owner acquire the necessary lands to extend the roadway for each lot southerly to Chester Avenue and that these lands be conveyed to the City by reference plan and deed.

2. That the owner acquire the necessary lands to provide a second access to the subdivision lands from either Chesley Street or Annabelle Street in the first phase of development.

3. That the owner submit a typical utility service and driveway layout for the proposed quattroplex lots (Lots 8-16 inclusive and 105, 109 & 113) for approval by the Roads Department, prior to registration of the final plan of subdivision.

4. That the owner convey the necessary lands to the City to establish the road allowance on Brigadoon Drive, adjacent to the flankage of Lot 33, to its full width of 20.0 metres prior to registration of the final plan of subdivision.

5. That the owner convey the necessary lands to the City to establish the cul-de-sac bulb on Street "A", adjacent to Lots 72 to 78 (inclusive) to its full width (15.0 metre radius) prior to registration of the final plan of subdivision.

6. That the owner acquire the necessary lands to establish the road allowance adjacent to Lots 127 & 130 and Blocks 131 & 134 to its full width of 20.0 metres prior to registration of the final plan of subdivision.

7. That the centerline radius of the road allowance for Brigadoon Drive adjacent to Lots 35 to 38 (inclusive) of the proposed draft plan of subdivision be increased to a minimum radius of 110.0 metres or alternatively, a 90 degree bend be incorporated into the road allowance at this location.

8. That the owner provide a 9.0 metre radius transitional curves on both ends of the bulb on Street "B" adjacent to Lots 17 and 22 of the proposed draft plan of subdivision.

9. That the owner establish a 3.0 x 3.0 metre daylight triangle on the corner of Lot 115 of the proposed draft plan of subdivision.

10. That the owner establish 0.30 metre reserves along the open side of the road allowance on Street "A" and Brigadoon Dive and at the dead-end of the road allowance on Street "B".

11. That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

FOR INFORMATION:

1. Municipal road access is existing on Brigadoon Drive to service Lots 1 to 126 (inclusive) of the proposed draft plan of subdivision.

2. Municipal road access is existing on Chesley Street to service Lots 128 and 129 of the proposed draft plan of subdivision.

3. Municipal road access is not available to service Lots 127 and 130 of the proposed draft plan of subdivision.

4. For the information of the Planning and Development Department, since the original draft plan submission, the owner has revised the draft plan to include Lot

131 and Block 132 on the east side of the future extension of Annabelle Street, directly adjacent to their lands to be severed under Land Division Committee application H-65-94. In the event that the severance application were to expire and the subdivision plan, in its revised form were to be registered first, then the lot to be severed would be created by default as a land locked parcel. For this reason we recommend that the draft plan remain in its original form, stamped with the date December 20, 1994.

The submitted plan as prepared by B.J. Clarke, O.L.S., stamped with the date December 20, 1994, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.

2. The proposal complies with the approved Gourley Neighbourhood Plan. The area designated "Attached Housing - Innovative Housing" includes cluster housing, small lot singles and retirement village as possible uses. Although the density of the quattroplexes falls within the "Attached Housing" designation, the proposed interlinks are more consistent with the "Single and Double" designation both in density and form. Accordingly, an amendment is required to redesignate the proposed interlink lots (Lots 102-104, 106-108, 110-112, 114-117, 118-120, 121-123, and 124-126 inclusive) and three small lot singles (lots 6, 7 & 17) from "Attached Housing" to "Single and Double" and to reflect the proposed change in the road pattern. The proposed quattroplexes and interlinks should continue to be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note.

   An example of the proposed interlink development and quattroplex units is attached as APPENDICES "C", "D" and "E" respectively.

3. The proposed quattroplex dwellings are an innovative housing form that have been constructed in Brampton and Waterdown. The quattroplex design provides for development to occur at a density similar to that of a townhouse development (ie 45-50 units per hectare) but the quattroplexes as built have a house form and provide grade - related residential housing. From the street, the proposed quattroplexes will have the appearance of semi-detached dwellings. As each of the dwelling units within the quattroplex are intended to function independently with separate entrances, parking and amenity areas, the following special requirements should be required:

   - in order to provide distinct and separate amenity areas, the applicant should be required to provide separate private outdoor amenity areas with a minimum size of 30.0 sq. m.;

- the private outdoor amenity areas should be enclosed by a privacy fence having a minimum height of 1.8 m and a maximum height of 2.0 m;

- an externally accessible storage area, having a minimum gross floor area of 2.0 square metres, should be incorporated into each dwelling unit as part of the dwelling unit design, if no garage is provided;

- if no garage is provided then provision for two parking spaces per unit should be required in the front yard. To minimize the extent of the front yard utilized for parking, the applicant should be required to provide cast-in-place raised concrete curbs around each parking area and that the parking areas for each unit be separated by a 1.5 m strip;

- in order to provide separate entrances on interior lots, then the side yard setback should be increased for that portion of the dwelling adjacent to the front two dwelling units in the quattroplex.

4. The interlink lots enables the development of single detached dwellings at the equivalent to street townhouse densities. Due to the interlink lotting pattern, the rear yard amenity area is reduced by 50% compared to a traditional lotting pattern. Furthermore, as the applicant has requested a zero-lot line configuration, then the applicant should be required to provide the following special requirements to provide adequate natural light for the rear amenity area:

   - a minimum landscaped open space area of 41 m^2 having a minimum width of 5.50 m and a minimum depth of 6.0 m should be required in the rear yard of each interlink lot;

   - in order to provide privacy, a visual barrier of not less that 1.2 m in height and not greater than 2.0 m in height, should be required around the perimeter of the rear yard for each interlink lot;

   - the height of that portion of the dwelling adjacent to the rear amenity area should be restricted to 4.5 m or 1 storey in height; and

   - no windows or doors should be permitted within 3.5 m of the rear lot line or landscaped area of an abutting property.

   The applicant has requested a minimum front yard of 3.5 m. However, a minimum front yard of 7.0 m should be required for the garage or carport to provide additional off-street parking opportunities.

5. As a condition of draft plan approval, the applicant will be required to convey a 10.0 metre wide easement, by reference plan and deed, in favour of the Region for the purpose of constructing a noise berm along the north limit of Lots 1 to 20 (inclusive) of the proposed draft plan of subdivision.

6. There is a draft approved plan of subdivision on the adjacent lands ("Fontana Gardens"). As a condition of draft approval, the applicant is required to revise the centre line radius through the "S-bend" curves to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves. As a condition of draft plan approval, the applicant will be required to revise the road geometry of Street "C" in accordance with "Fontana Gardens".

7. Approval of the application will necessitate an amendment to the approved Gourley Neighbourhood Plan and a revision to the adjacent draft approved plan of subdivision "Fontana Gardens". The revision to the neighbourhood plan will facilitate the servicing of the neighbourhood, provide for a second access point and will eliminate the need for a sewer easement from Chesley Street to Street "A". In this regard, the Regional Environment Department and the Regional Roads Department have recommended that the neighbourhood plan be amended accordingly. The adjacent land owner has advised that they have no objection to the revisions to the Neighbourhood Plan or their plan of subdivision.

   The revisions to the Neighbourhood Plan will require that the City retain ownership of the unopened road allowance adjacent to the lands owned by the Hamilton Board of Education. The Law Department has advised that in 1972, the City agreed to transfer these lands to the Board of Education but that the unopened road allowance was never deeded to the School Board. As such, should Council approve the revisions to the Neighbourhood Plan, then staff will be required to negotiate with the applicants and the School Board regarding the development of a road within the existing limits of the unopened road allowance.

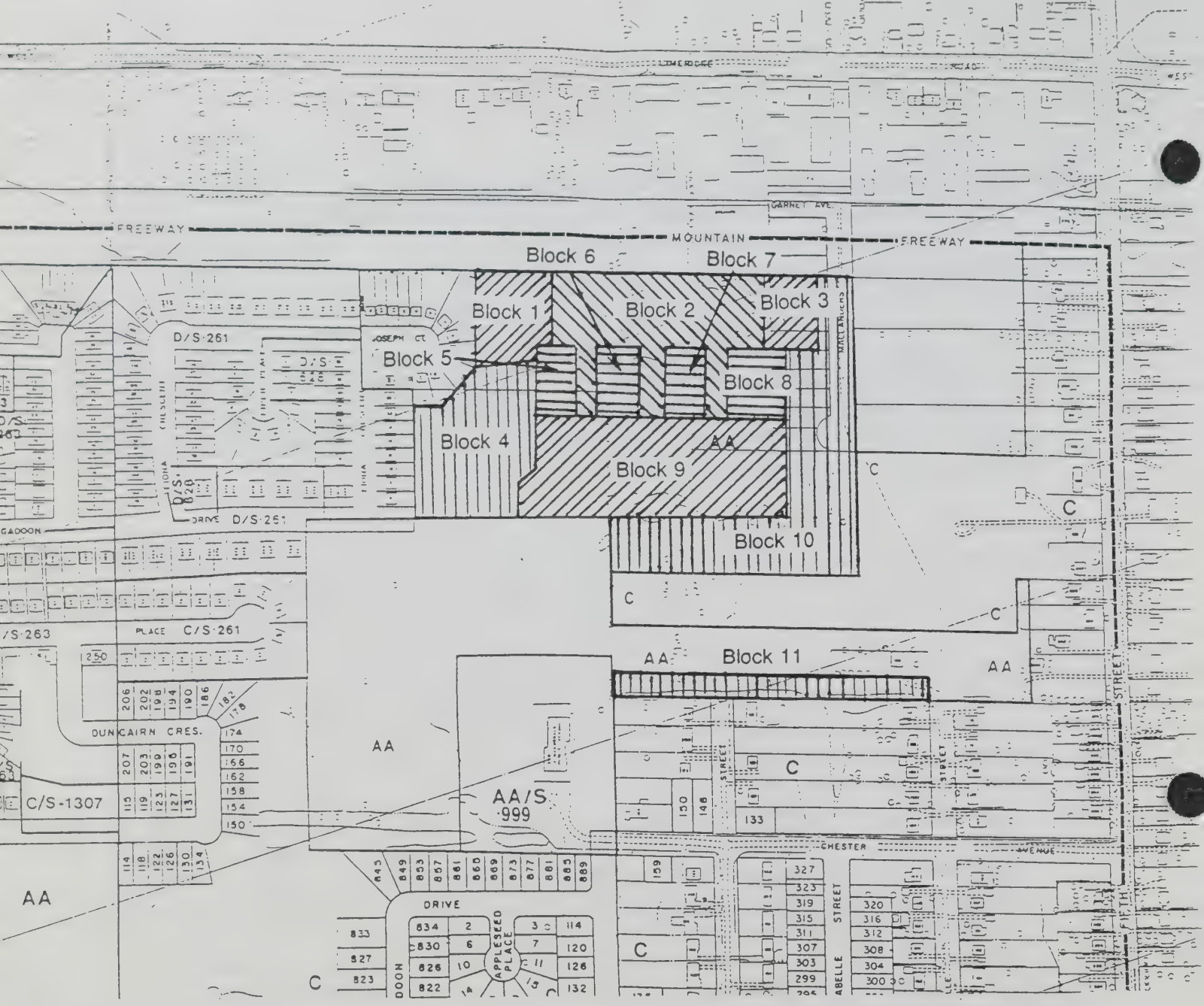
8. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it provides for an alternative form of affordable housing; and,
   - it is compatible with existing and proposed development in the area.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.

SR/sr
94-32



Legend

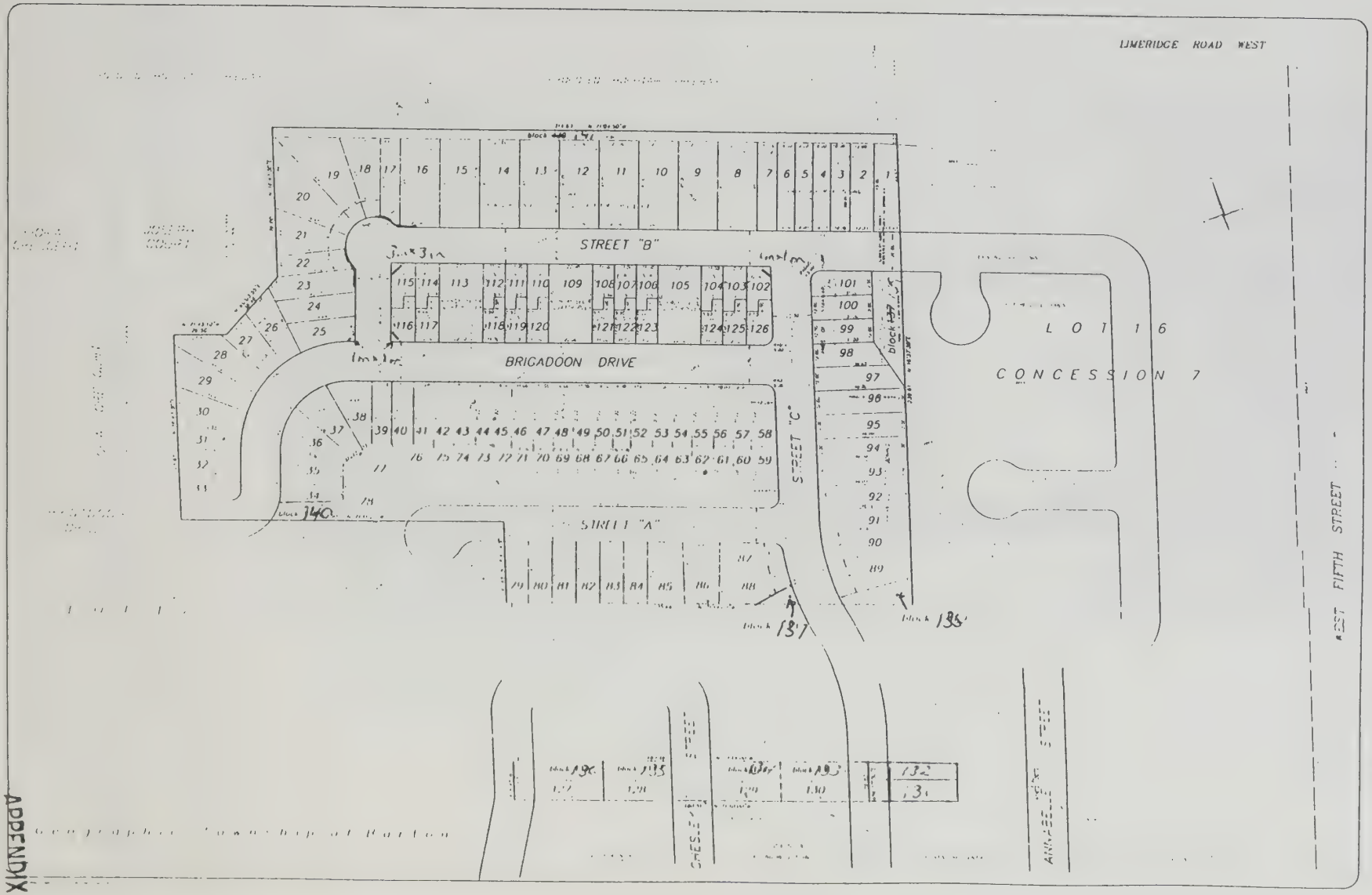
Proposed Changes In Zoning From "AA" (Agricultural) District To:

Blocks "1", "3" and "9"	▨	"R-4" (Small Lot Single-Family Dwelling) District
Block "2"	▨	"DE" (Multiple Dwellings) District, modified
Blocks "4", "10" and "11"	▨	"C" (Urban Protected Residential, etc.) District
Blocks "5", "6" "7" and "8"	▨	"R-4" (Small Lot Single-Family Dwelling) District, modified

NORTH

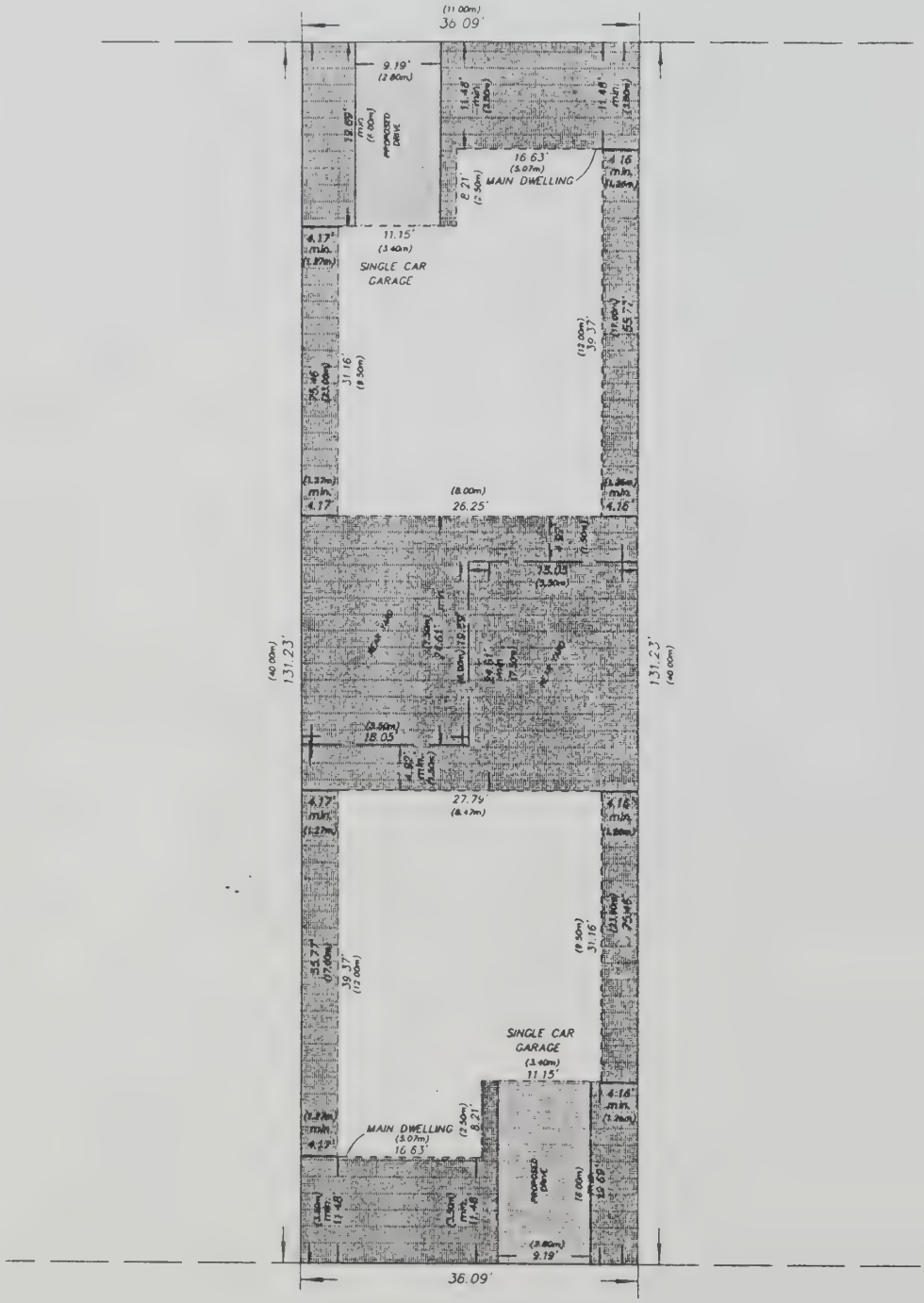
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APPENDIX A

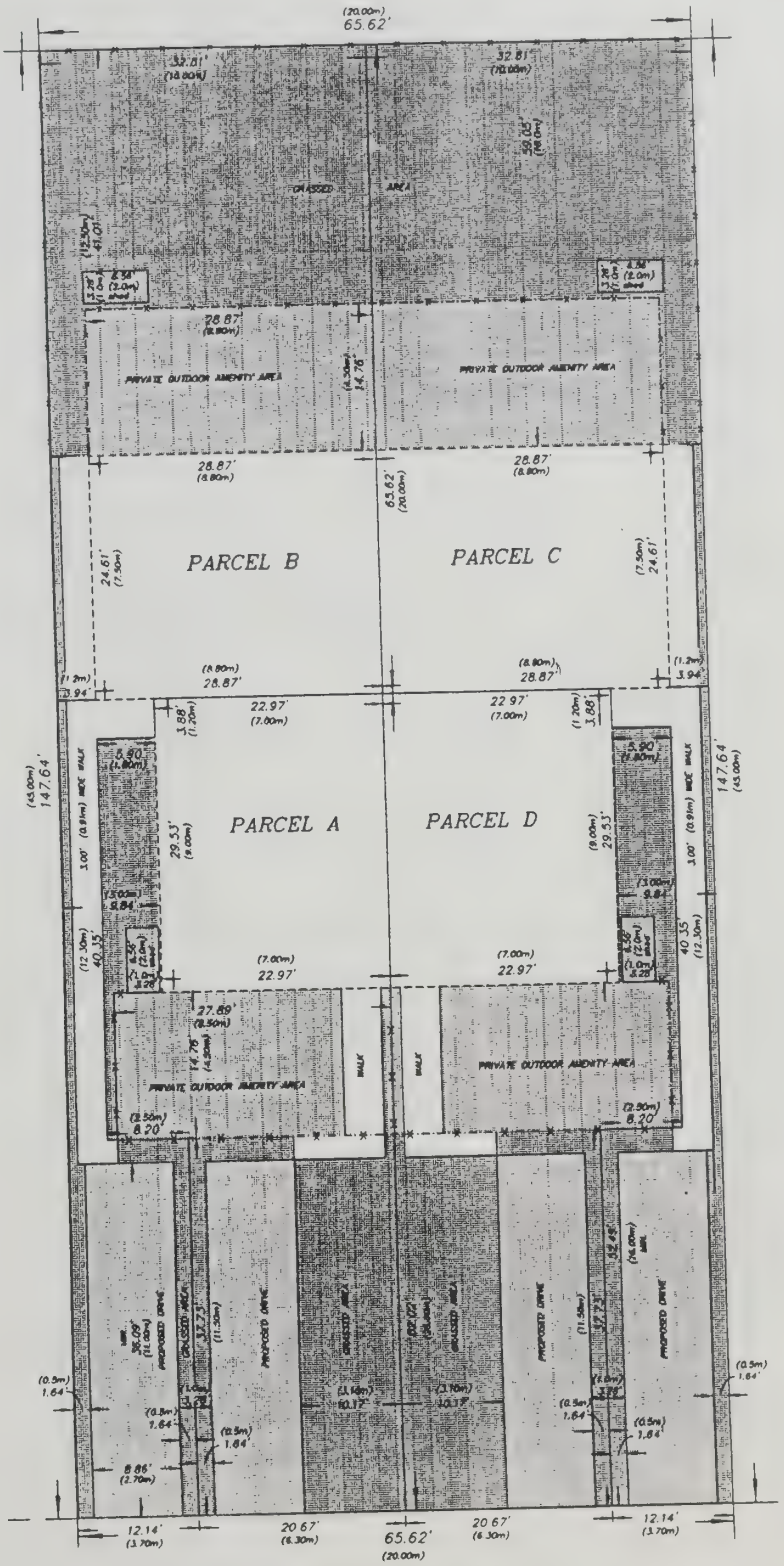


APPENDIX B

APPENDIX "B"

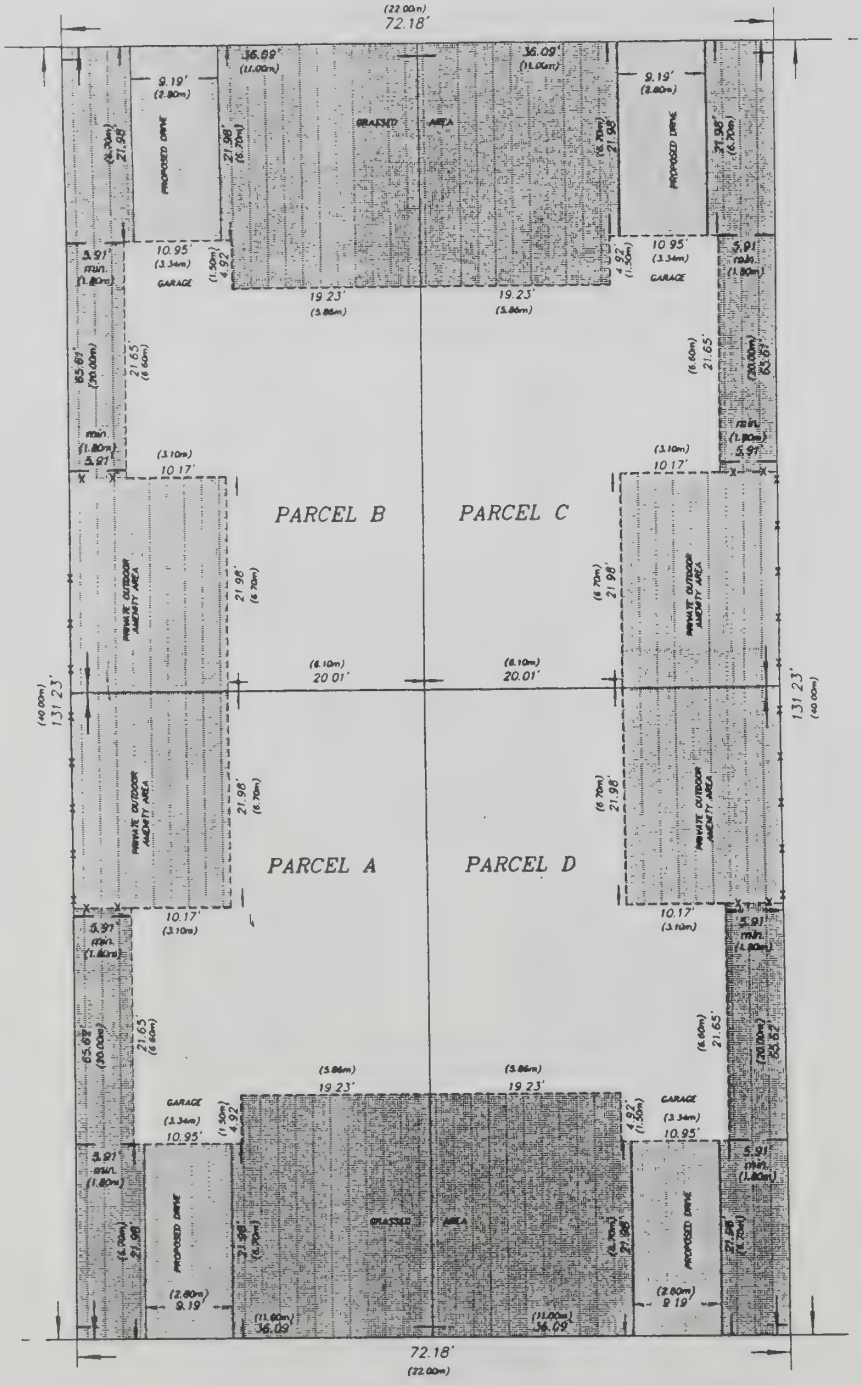


APPENDIX "C"	Interlink Lots



APPENDIX "D"

Quattroplex Development
Interior Lot



APPENDIX "E"	Quattroplex Development Through Lot

5.

CITY OF HAMILTON

- RECOMMENDATION -

3.4c
SEP 1 1 1996

DATE: September 4, 1996
(P5-2-45)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Proposed Falkirk West Neighbourhood Plan**

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. 13x to redesignate the lands encompassed by the Tiffany Creek Environmentally Sensitive Area within the Falkirk West Neighbourhood from "Residential" and "Major Institutional" to "Open Space" on Schedule A - Land Use Concept of the Official Plan; and,

(b) That the proposed Falkirk West Neighbourhood Plan policies and land use schedule, attached hereto and marked Appendix "A", be adopted.

V.J. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The consulting firm Planning Initiatives Ltd. has prepared a proposed Neighbourhood Plan for the Falkirk West Neighbourhood. The proposed Neighbourhood Plan and accompanying land use schedule and policies (attached as Appendix "A") has been prepared in consultation with staff of the Planning and Development Department, other appropriate City and Regional Departments and affected landowners.

For over a decade, the Falkirk West Neighbourhood has been subject to several planning proposals and a previous effort at creating a Neighbourhood Plan. A chronology of key events is as follows:

- On January 21, 1986, Arosa Properties Limited submitted a rezoning application to permit a low density apartment development consisting of 260 apartment units in 22 buildings with a maximum height of three storeys at 713 Stone Church Road West.

- On March 26, 1986, the application was denied by Planning and Development Committee because of the absence of an approved Falkirk West Neighbourhood Plan and the unavailability of municipal sewers.

- In July, 1986, Planning and Development Committee authorized the preparation of a Neighbourhood Plan by May, Pirie and Associates under the direction of the Planning and Development Department.

- On March 20, 1993, a Public Information Meeting was held to invite comment from affected citizens and landowners on a proposed Falkirk West Neighbourhood Plan.

- Following the Public Information Meeting, background studies on the implications of potential development on the Wetland and stormwater management were initiated.

- On May 24, 1995, the Planning and Development Department was advised that the consulting firm Planning Initiatives Ltd. had been retained by several landowners within the Falkirk West Neighbourhood to prepare and finalize the Neighbourhood Plan.

- In March, 1996, a draft Falkirk West Neighbourhood Plan and policy document was forwarded to City and Regional staff for review and a number of revisions were made.

On June 26, 1996, a Public Information Meeting was held at St. Thomas More High School which was attended by approximately 40 residents, the two ward aldermen, City and Regional staff and staff from the consulting firms Planning Initiatives Ltd. and Ecologistics Ltd. (sse the attached minutes). The purpose of the meeting was to introduce to the residents from the northern portion of the Neighbourhood and to the residents immediately east of Upper Paradise Road the latest proposed Falkirk West Neighbourhood Plan and hear any comments or concerns.

After a presentation by City Planning staff and Planning Initiatives Ltd. describing the history of previous neighbourhood planning actions and the current proposed plan, the residents sought clarification on several issues. These issues included uncertainty on the characteristics of "innovative housing" developments, traffic flows and the timing of future road improvements, and the preservation and retention of the Tiffany Creek Wetland and Environmentally Sensitive Area.

Written submissions and comments on the proposed plan were requested at the Public Information Meeting and a total of two (2) responses were received. One submission expressed concern with the innovative housing concept and felt that the entire southern part of the Neighbourhood should remain as undeveloped open green space. The second submission was similar in vein noting that "there is a lot of traffic in the area and building houses and apartments will only add to the congestion".

DESCRIPTION OF THE PROPOSED NEIGHBOURHOOD PLAN:

A key feature of the proposed Falkirk West Neighbourhood Plan is retention and preservation of the Tiffany Creek Wetland and Environmentally Sensitive Area (ESA). This natural feature of the neighbourhood is a significant community asset and provides added value to future development occurring within Falkirk West.

Another major feature of the proposed Falkirk West Neighbourhood Plan is the introduction of the land use designation "Innovative Housing". The term Innovative Housing is used to describe housing developments that contain a mix of dwelling types on one parcel of land in a community-like setting. These developments typically respond to a specific segment of the housing marketplace, for example empty nesters, and are condominium registered. The type of dwellings part of an innovative housing development include single-detached, semi-detached, and row/townhouse units. An important feature of these types of developments is a focus on having architecturally attractive housing along with aesthetically-pleasing landscape treatments throughout the particular development.

Other features of the proposed Falkirk West Neighbourhood Plan include the following:

- To ensure land use compatibility, low-density single-detached units will be located adjacent to the existing residential community along Kordun Street, Juliebeth Drive and Lisajane Court;

- Single-detached homes will have lot widths that will be larger than has typically been constructed in Hamilton in recent years;

- A series of small parkettes will allow pedestrians and residents a visual and physical window to the Tiffany Creek Wetland and ESA;

- "Front lotting" where houses will front directly unto Upper Paradise Road will be allowed which will create a more attractive streetscape;

- A one acre neighbourhood park will be situated within the centre of the neighbourhood for use by Falkirk West residents; and,

- Development Design Guidelines will be utilized to ensure a high standard of design, amenity and aesthetics for all development occurring in the Neighbourhood.

The overall thrust of the Falkirk West Neighbourhood Plan is to facilitate the development of an attractive neighbourhood that recognizes the value added by the Tiffany Creek Wetland and ESA. The intent is to ensure that the Falkirk West Neighbourhood is an area of Hamilton that has a high standard of development design, aesthetics and amenity.

COMMENT:

Falkirk West is the last neighbourhood on Hamilton's South Mountain to undergo a neighbourhood planning exercise to outline future development. The location and size of the Tiffany Creek Wetland and Environmentally Sensitive Area (ESA) presented a major planning challenge in creating the Neighbourhood Plan. As a result of numerous discussions with adjacent residents, landowners and detailed environmental studies, the Falkirk West Neighbourhood Plan contains provisions that will protect and enhance this unique environmental feature. At the same, the type of development that will occur in the Falkirk West Neighbourhood and the use of "open space windows" will capture the "value" added by the preservation of the ESA.

An important element of the Falkirk West Neighbourhood Plan is the use of Development Design Guidelines for all residential developments. These Guidelines will strive to ensure that this area of Hamilton remains unique and has a high standard of development design, aesthetics and amenity in all residential development.

Accordingly, the proposed land use schedule and associated policies attached as Appendix "A" to this report can be supported for adoption as the Approved Falkirk West Neighbourhood Plan.

KE/ke

C:\REPORTS\FALWEST

Summary Notes of the Public Information Meeting
Proposed Falkirk West Neighbourhood Plan
June 26, 1996 - 7:00 p.m.
St. Thomas More High School

In Attendance:

Alderman Don Ross
Alderman Frank D'Amico
Bill Janssen, City Planning and Development Department
Keith Extance, City Planning and Development Department
Roland Karl, City Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Sergio Manchia, Planning Initiatives Limited
George McKibbon, Ecologistics Limited
Approximately 40 citizens (see attached list)

Presentations:

Alderman Ross opened the meeting and explained the purpose of the meeting was to provide information on the proposed plan for the Falkirk West Neighbourhood. Alderman Ross noted the importance of public input into the plan. He added that the deadline for submissions/comment would be Friday, July 19, 1996. Alderman Ross then introduced Bill Janssen of the City Planning and Development Department.

Mr. Janssen outlined the various planning tools the City of Hamilton utilizes and described the role of the Neighbourhood Plan vis-a-vis the Official Plan and the Zoning By-law. Mr. Janssen then described the three previous draft neighbourhood plans prepared for the Falkirk West Neighbourhood and noted that the number and density of dwelling units has declined in each example as well as an increased recognition of the importance of the wetland.

Sergio Manchia of the consulting firm Planning Initiatives was introduced and noted that his firm was retained by several of the landowners to prepare the latest proposed Neighbourhood Plan. Mr. Manchia noted that the previous Neighbourhood Plan effort in 1993 generated a number of concerns in regard to the Wetland and the impact of development on the Wetland. Mr. Manchia introduced George McKibbon of the consulting firm Ecologistics who had prepared an environmental report on the Falkirk West wetland.

Mr. McKibbon noted he had consulted with the Ontario Ministry of Natural Resources and the Hamilton Region Conservation Authority to arrive at a clear boundary for the wetland in the neighbourhood. Mr. McKibbon noted they measured water flow to the wetland to ascertain the hydrogeological impact on the wetland with development occurring. As a result of the tests, they determined there would be no impact. As well, there would be a 15m buffer between the top-of-bank of the wetland and the property line for residential development.

Mr. Manchia then described the differences between the present proposed Neighbourhood Plan and the Plan previously brought forward in 1993. Mr. Manchia noted that the overall density of the neighbourhood had been lowered.

Questions:

1. Walter Swannell, 59 Kordun Street, expressed concern on the term "innovative housing" and was not sure what exactly it means.

   Mr. Manchia responded that the innovative housing sites identified in the proposed neighbourhood plan will respond to specific housing needs in the marketplace. Innovative housing includes single-detached registered as condominiums, small bungalows and/or townhouses all interspersed on a particular site. Privately-owned roads are also a feature of innovative housing developments.

2. Dave Hopkins, 56 Juliebeth Drive, noted that traffic is a problem for Juliebeth residents as well as the traffic volumes generated by St.Thomas More School. Mr. Hopkins also questioned whether the 15m buffer for the wetland was sufficient.

   Mr. McKibbon responded that they believe the 15m buffer is sufficient and confirmed this with the Ministry of Natural Resources and the Hamilton Region Conservation Authority.

   Mr. Roland Karl responded there are no immediate plans in the Current Budget for widening of Upper Paradise Road. Mr. Karl added that once development occurs, development charges are accrued and the City has the cash to actually pay for various road improvements.

3. John Stafford, 22 Lisajane Court, questioned whether there is a requirement that there has to be attached housing or townhouses within a neighbourhood.

   Mr. Janssen responded that there is no specific requirement for individual neighbourhoods but the Hamilton Official Plan calls for a mix of housing throughout the City.

4. Mike Bonny, 62 Skyview Drive, questioned what would be done with the sudden drop-off between the fill area in place and the actual wetland.

   Mr. McKibbon noted that some of the fill area would be removed, some parts would remain the same but the wetland would not be disturbed by any development on adjacent lands.

5. Tom Cahill, 27 Lisajane Court, questioned the timetable for development and noted traffic at Stonechurch and Juliebeth is increasingly busy.

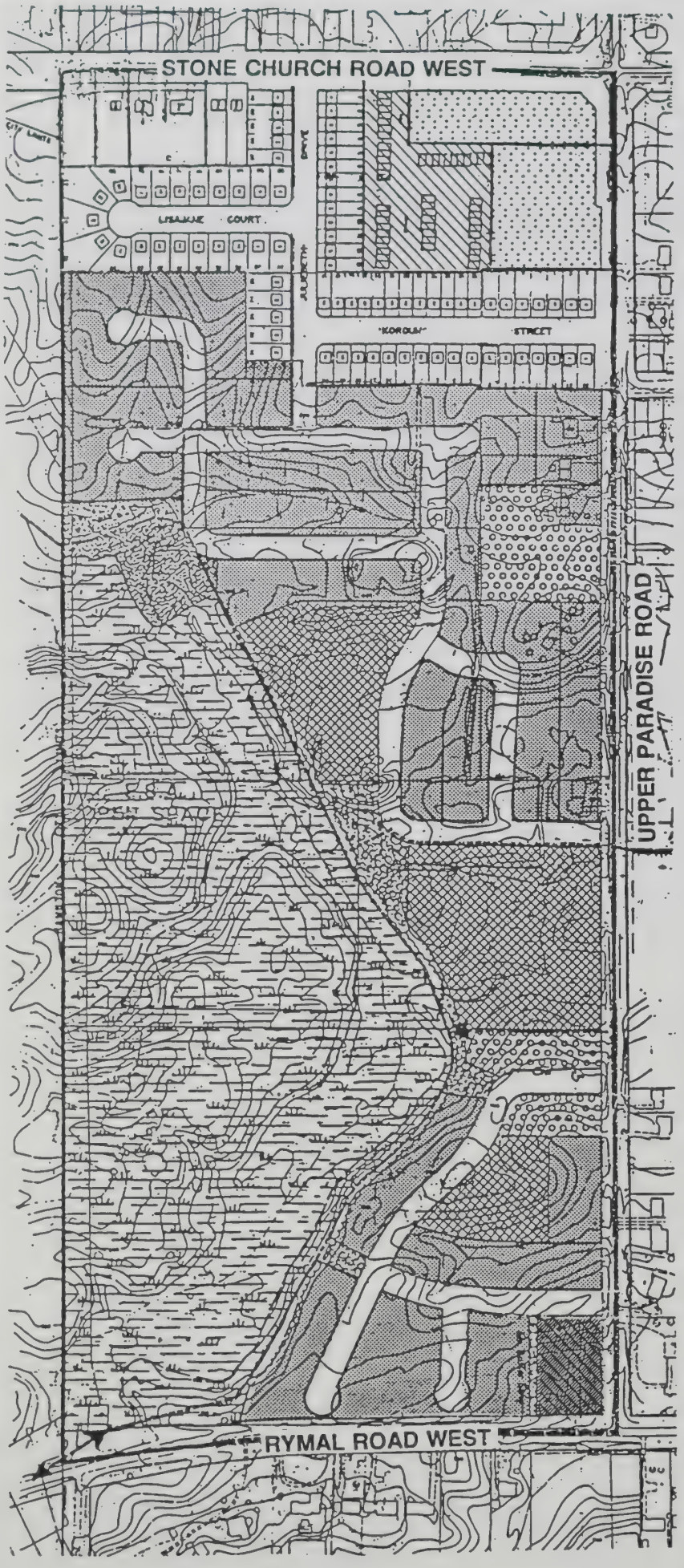
   Mr. Manchia responded that other approvals still have to be secured such as rezonings and plans of subdivision and it could take several years before any new development takes place on the lands.

   Alderman D'Amico added that he had received a number of phone calls concerning traffic congestion and he is investigating a number of options with City staff including installation of a traffic light at Juliebeth and Stonechurch and 3-way stop signs at other busy intersections.

6. Hans Vulker is acting for the landowners of the 30 acre parcel at the southern part of the neighbourhood. Mr. Vulker indicated that because of the wetland boundary, his clients are left with some 15 acres for development. As proposed by the Falkirk West Neighbourhood Plan, the lands would be designated for single and semi-detached yielding approximately 90 dwelling units. Mr. Vulker indicated his clients would wish to have the innovative housing designation on their lands as well as a commercial designation at the corner of Upper Paradise and Rymal and submitted a proposed land use schedule.

Alderman D'Amico adjourned the meeting at 9:25 p.m. and thanked everyone for attending.

KE/ke



FALKIRK WEST NEIGHBOURHOOD

PROPOSED LAND USE

LEGEND:

- EXISTING SINGLES
- SINGLE AND DOUBLE
- EXISTING ATTACHED HOUSING
- ATTACHED HOUSING
- EXISTING COMMERCIAL
- NEIGHBOURHOOD COMMERCIAL
- OPEN SPACE (E.S.A.)
- OPEN SPACE (BUFFER)
- OPEN SPACE (PARKETTE)
- OPEN SPACE (STORM WATER MANAGEMENT)
- TRAIL

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DATE: MAR./96	SCALE: N.T.S.	FIGURE 7

REVISED DATE: AUG 30./96

APPENDIX "A"

THE FALKIRK WEST NEIGHBOURHOOD
POLICIES AND PLAN

Prepared by:

PLANNING INITIATIVES LTD.
Engineers, Planners and Landscape Architects
118 Jackson Street East
Hamilton, Ontario
L8N 1L3
Tel (905) 546-1010
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September 1996



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1.0 INTRODUCTION

The Falkirk West Neighbourhood is located in the south west area of the City of Hamilton. An overall neighbourhood plan was first prepared for this neighbourhood in 1970 and approved by Council in 1971. The approved Falkirk West Neighbourhood Plan however, only established a land use and road pattern for the northerly section of the neighbourhood and the southerly portion remained unplanned due to environmental and servicing concerns.

In 1992, a review of the southerly portion of the neighbourhood was initiated by the land owners and this included a detailed environmental analysis together with a comprehensive stormwater management plan.

Since the initiation of the Falkirk West Neighbourhood Plan review in 1992, there have also been major changes regarding the form of development, housing needs and demographics throughout the City of Hamilton and in particular, the south-western area of Hamilton. The purpose of this study is to investigate the current planning status of the Falkirk West Neighbourhood and to create a guide for future development within the neighbourhood through both detailed policies and a land use schedule.

The evaluation and study will allow for a better determination of the proposed development which will permit efficient and effective urban land use within the studied area.

The Falkirk West Neighbourhood Plan is a guide to assist future development of the neighbourhood and is an extension and elaboration of policies which exist in the Hamilton and Region of Hamilton-Wentworth Official Plan, and in the Ontario Government's Provincial Policy Statement.

2.0 LOCATION

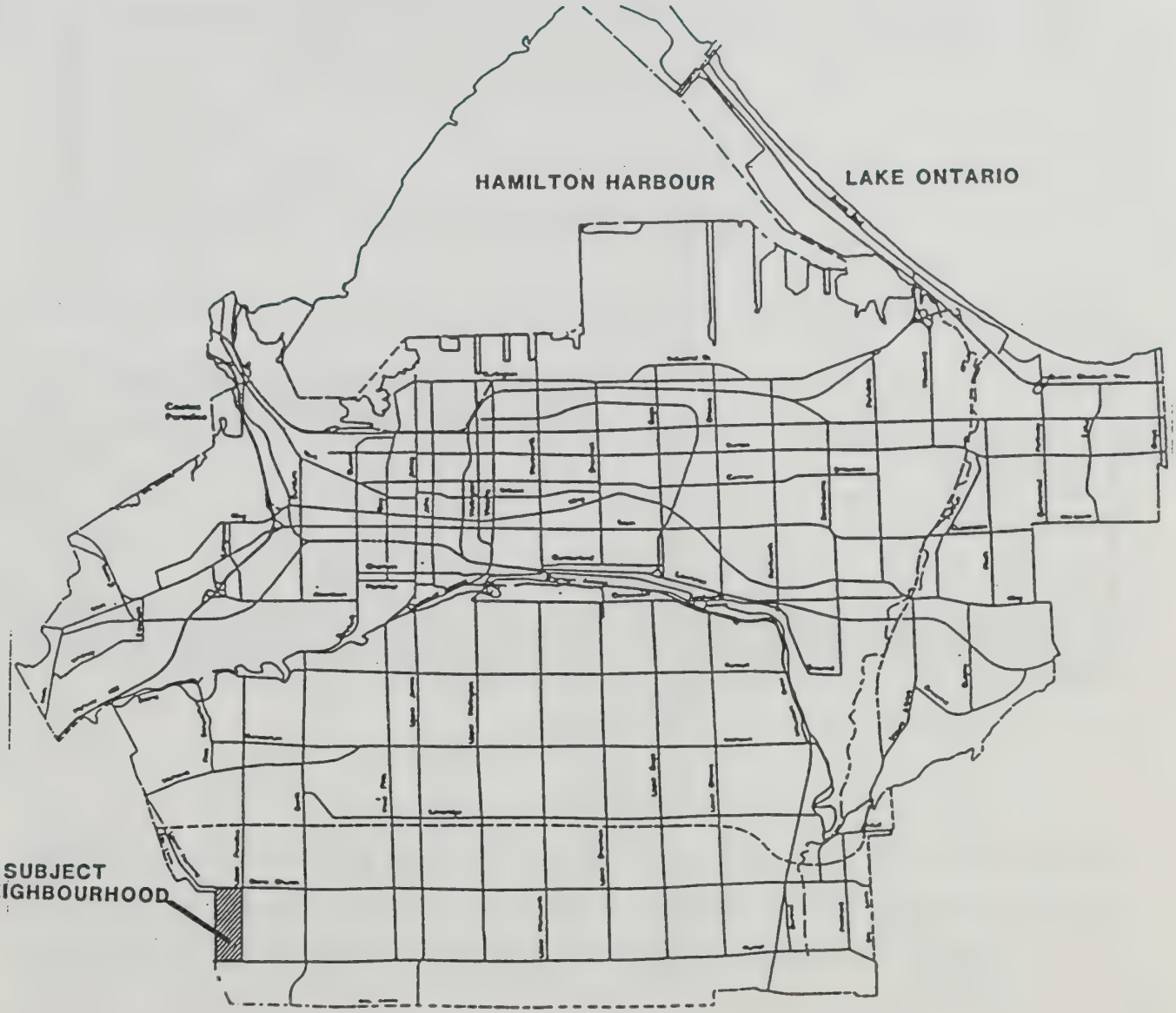
The subject neighbourhood is located in the south-westerly area of the City of Hamilton and it contains approximately 41.4 hectares/102 acres. The neighbourhood boundaries are Rymal Road to the south, Stone Church Road to the north, Upper Paradise Road to the east and the limits of the City of Hamilton on the west. These lands are legally described as Part of Lot 21, Concession 8. The location of the neighbourhood is shown on **Figure 1**.

FALKIRK WEST NEIGHBOURHOOD

NEIGHBOURHOOD LOCATION

LEGEND:

FALKIRK WEST NEIGHBOURHOOD
PART OF LOT 21
CONCESSION 8
CITY OF HAMILTON



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DATE: MAR./96	SCALE: N.T.S.	FIGURE 1

3.0 EXISTING LAND USE

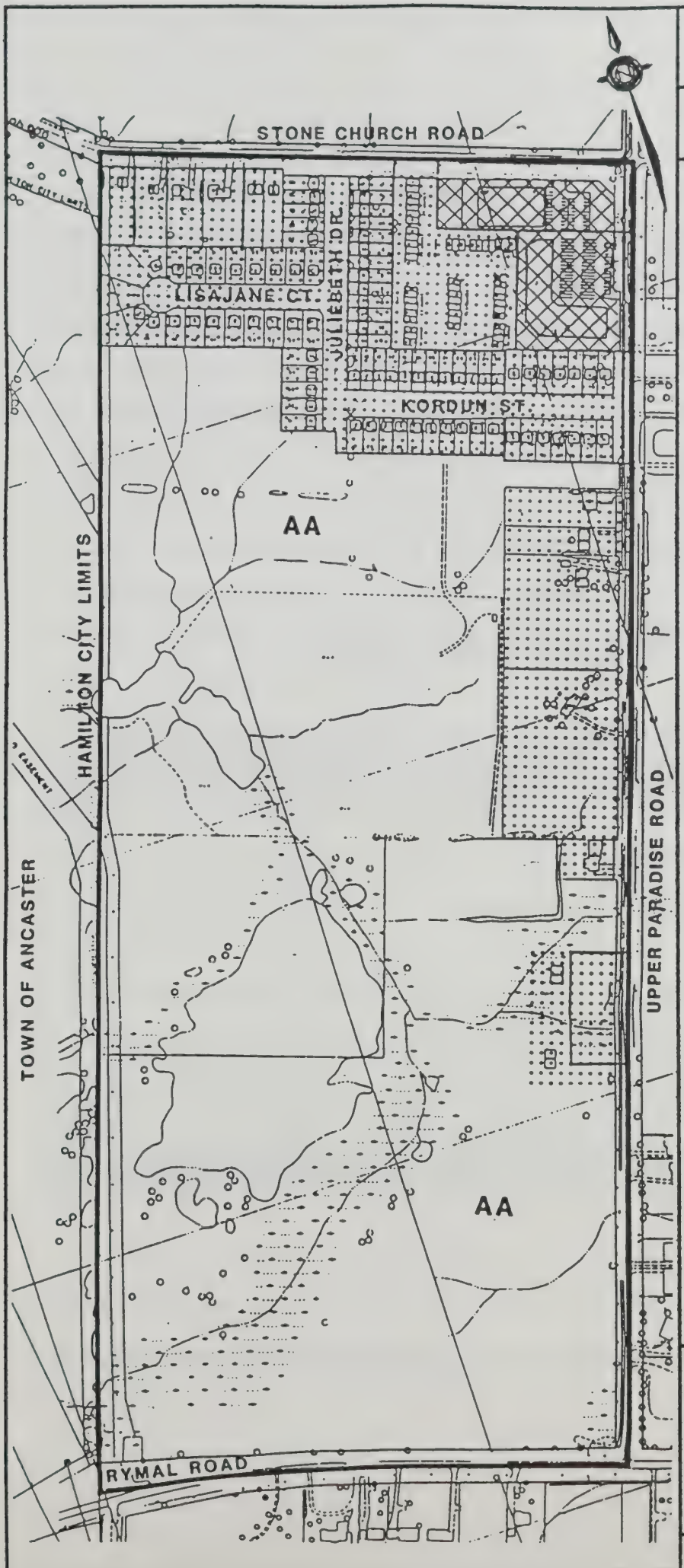
The Falkirk West Neighbourhood is presently developed with three general land uses. Figure 2 delineates the existing land use in the Falkirk West Neighbourhood while Table 1 outlines the representative land areas and the percentile of each component.

TABLE 1 - EXISTING LAND USE

LAND USE	AREA		PERCENTAGE
	(ha)	(acres)	
Residential	7.4	18.2	17.8%
Commercial	1.8	4.4	4.3%
Agricultural/Vacant and Open Space	32.2	79.6	77.7%
TOTAL	41.4	102.2	100.0%

Source: City of Hamilton Planning Department and Land Use Analysis

The neighbourhood is primarily vacant with development existing in the most northerly section. This area has been developed with a mixture of commercial, medium density and single family residential land uses. No significant land use changes have occurred south of the development area since 1988.



FALKIRK WEST NEIGHBOURHOOD

EXISTING LAND USE

LEGEND:

- RESIDENTIAL
- COMMERCIAL
- AGRICULTURAL, VACANT & ESA

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DATE: APR./96	SCALE: 1:5000	FIGURE 2

3.1 Existing Population

The current population of the Falkirk West Neighbourhood is estimated as being approximately 430 persons. As mentioned previously, the population of the neighbourhood is concentrated in the northern portion with some limited development along the west side of Upper Paradise Road. Overall, an increase in population is not expected to occur until full municipal services are extended into the interior of the neighbourhood and development occurs.

TABLE 2
POPULATION BY AGE IN 1991
FALKIRK WEST NEIGHBOURHOOD

AGE GROUP	MALE	FEMALE	TOTAL M & F	% OF TOTAL
0 - 4	22	20	42	9.8
5 - 13	35	39	74	17.2
14 - 18	25	16	41	9.5
19 - 25	14	24	38	8.8
26 - 40	67	79	146	34.0
41 - 64	42	35	77	17.9
OVER 64	3	9	12	2.8
TOTALS	208	222	430	100.0

Source - City of Hamilton Planning Department

3.2 Topography and Physical Features

The Falkirk West Neighbourhood contains gently rolling topography with 5 - 10% slopes throughout. A wetlands area which is part of the Tiffany Creek Environmentally Sensitive Area (ESA) is located in the southwest quadrant of the neighbourhood.

The neighbourhood is divided into three drainage areas. The area of the existing development at the northern end of the neighbourhood drains northerly. The central portion of the neighbourhood, the largest portion of the neighbourhood, drains to the west into the Town of Ancaster by the Tiffany Creek. The third and smallest drainage area is the south-east portion of the neighbourhood which drains into the Twenty Mile Creek drainage system. The Tiffany Creek enters the Falkirk West Neighbourhood from the Town of Ancaster at the extreme south-west corner of the neighbourhood.

The Ministry of Natural Resources has mapped and classified the Tiffany Creek Wetland complex as a "Provincially Significant Wetland". The Tiffany Creek Wetland occupies approximately 35 hectares in total. Of the 8.8 hectare ESA within the Falkirk West Neighbourhood, approximately 4 hectares constitutes part of the Tiffany Creek Wetlands.

Various different vegetative communities are found within the undeveloped portion of the Falkirk West Neighbourhood. These include active agricultural fields, hedgerows, upland deciduous woodlot and wetland areas. A detailed Environmental Study has been prepared which outlines in detail the various vegetative communities (see Falkirk West Wetland Environmental Impact Study, July, 1995).

There are three main soil types within the Falkirk West Neighbourhood. The dominant soil types in the area north of Tiffany Creek are well drained, sandy loam soils of the

Grimsby Group. The soils of the valley system are predominantly the variable drained, silt-loam soils of the Alberton Group. The soils in these areas south and west of the Tiffany Creek drainage area are well drained, silty loam soils of the Brant Group.

3.3 Heritage Resources

The Falkirk West Neighbourhood does not contain any buildings or structures which are listed upon the City of Hamilton's Local Architectural Conservation Advisory Committee (LACAC) inventory of historical or architecturally significant sites. The City of Hamilton Heritage Planning Section has confirmed that there are no heritage buildings within the neighbourhood. The Heritage Branch of the Ontario Ministry of Culture and Communications undertook an archaeological assessment of the Falkirk West Neighbourhood Plan in 1985. The study focused on the south-east corner of the neighbourhood where one registered archaeological site was identified. The identified site appears to be a small prehistoric campsite and several isolated find spots are identified. As land development occurs throughout the undeveloped portions of the neighbourhood, site specific archaeological investigations may be required.

3.4 Environmental Considerations

As mentioned previous (Section 3.2), a large wetland complex is located in the southwest quadrant of this neighbourhood. These lands are a Provincially Significant Wetland and are also designated as an Environmentally Sensitive Area (ESA) by both the City and Regional Official Plans. In accordance with the environmental policies of these Plans, a detailed Environmental Impact Study (EIS) - The Falkirk West Wetland Environmental Impact Study has been completed as part of the background studies necessary to complete this neighbourhood plan.

This EIS included a detailed mapping of the wetland boundary and an inspection of existing flora and fauna. Soils and groundwater analysis together with a comprehensive stormwater management review were also completed.

The EIS established the boundary of the wetland complex together with an appropriate buffer zone. The EIS also contained specific development policies which would protect the integrity of this wetland complex.

4.0 INFRASTRUCTURE/SERVICES

Since the 1971 approval and designation of the norther portion of the Falkirk West Neighbourhood, there have been significant changes that have occurred to the servicing infrastructure. The following has been reviewed and agreed with the various departments of the Regional Municipality of Hamilton-Wentworth and the City of Hamilton.

4.1 Water Supply and Distribution

The trunk watermains for servicing the Falkirk West Neighbourhood are in place along Stone Church Road, Upper Paradise Road and Rymal Road West.

The existing development in the northern portions of the Falkirk West Neighbourhood is serviced with a local network which was extended at the time when development took place in the mid to late 1980's. Services are available to provide full municipal water for future development within the entire Falkirk West Neighbourhood from an existing 300mm watermain located on Upper Paradise Road. No water supply or distribution problems have been identified to service the undeveloped lands.

4.2 Sanitary Sewers

The existing development in the northern portion of the Falkirk West Neighbourhood is served by a gravity flow sanitary sewer system which drains to the north into the existing sewers located within the Chedoke Creek area. These facilities extend south of Stone Church Road on Upper Paradise Road for a distance of 245m to the intersection of Skyview Drive.

In 1991, a new sanitary trunk sewer was installed on Upper Paradise Road extending from St. Elizabeth Village located at Rymal Road West and Garth Street westerly along Rymal Road West and northerly along Upper Paradise Road. The trunk provides sanitary services to the new St. Thomas More High School and is capable of servicing the undeveloped portion of the Falkirk West Neighbourhood.

The sanitary trunk flows in the same southeasterly direction as the Twenty Mile Creek to a pumping station at Highway 6 and Trinity Road in Glanbrook. From this point, the sewage is delivered to the Regional sewage treatment system. The present sanitary trunk facilities are capable of servicing the undeveloped portion of the Falkirk West Neighbourhood.

4.3 Storm Drainage

The storm drainage for the undeveloped portion of the Falkirk West Neighbourhood is directed towards two watersheds. The south-east section of the Falkirk West Neighbourhood drains to the south-east to the Twenty Mile Creek. The Twenty Mile Creek falls within the jurisdiction of the Niagara Peninsula Conservation Authority. The remaining lands in the neighbourhood drain west into the Tiffany Creek which is within the jurisdiction of the Hamilton Regional Conservation Authority.

The existing development in the northern portion of the Falkirk West Neighbourhood drains into a storm sewer facility which drains to the north and to the Chedoke Creek area. In 1991, a storm sewer was installed on the southern portion of Upper Paradise Road which outlets to the drainage system of the Twenty Mile Creek.

A detailed Stormwater Management Study has been prepared for this neighbourhood in concert with the Falkirk West Wetland Environmental Impact Study (Ecologistics Limited, 1995). This study outlined the different sub-drainage areas within the neighbourhood together with a comprehensive stormwater management strategy. Each individual land development application will be required to complete and implement a site specific Stormwater Management Plan in accordance with the overall comprehensive strategy.

4.4 Roads and Traffic

The Falkirk West Neighbourhood is encompassed by three arterial roads so designated by the City of Hamilton Official Plan. The northern limit of the neighbourhood is Stone Church Road West while the eastern limit is Upper Paradise Road. Rymal Road West forms the southern boundary of the neighbourhood. The primary function of the arterial road network is to carry relatively high volumes of long distance traffic within, between and through the area municipalities of Hamilton-Wentworth.

The existing right-of-way width for both Upper Paradise Road and Stone Church Road is 20m, although the ultimate right-of-way is 30m. Rymal Road West has an existing right-of-way of 26m with a deemed right-of-way width being 36m. Accordingly, these roads will be widened as flankage development occurs.

Since the majority of the neighbourhood is undeveloped, there are no interior local or collector roads. The existing roads in the northern section of the neighbourhood are designed as local roads and are under the jurisdiction of the City of Hamilton.

A speed limit of 60 Km per hour is in effect for Rymal Road West with Stone Church Road and Upper Paradise Road having a speed limit of 50 Km per hour.

The most recent (1995), City of Hamilton Traffic Department AM and PM peak traffic count for the intersections of Upper Paradise and Stone Church Roads and Upper Paradise Road and Rymal Road West are shown on **Figure 3**. Both the intersections of Rymal Road/Stone Church Road and Upper Paradise Road are controlled with traffic signals.

4.5 Road Access

An effective and efficient road pattern will be required to develop the interior of the neighbourhood. Special attention will be necessary to ensure that new access points onto Upper Paradise Road will not impede the traffic carrying function of this road. New direct access should not be established onto Rymal Road.

Unlike other arterial roadways in Hamilton, front lotting or direct access of single-detached dwellings to Upper Paradise Road will be promoted. This will create a more aesthetic streetscape for pedestrians and a more visually appealing vista than the fencing of rear yards. However, all access from lots fronting on Upper Paradise Road must conform with Regional and Municipal policies.

4.6 Public Transit

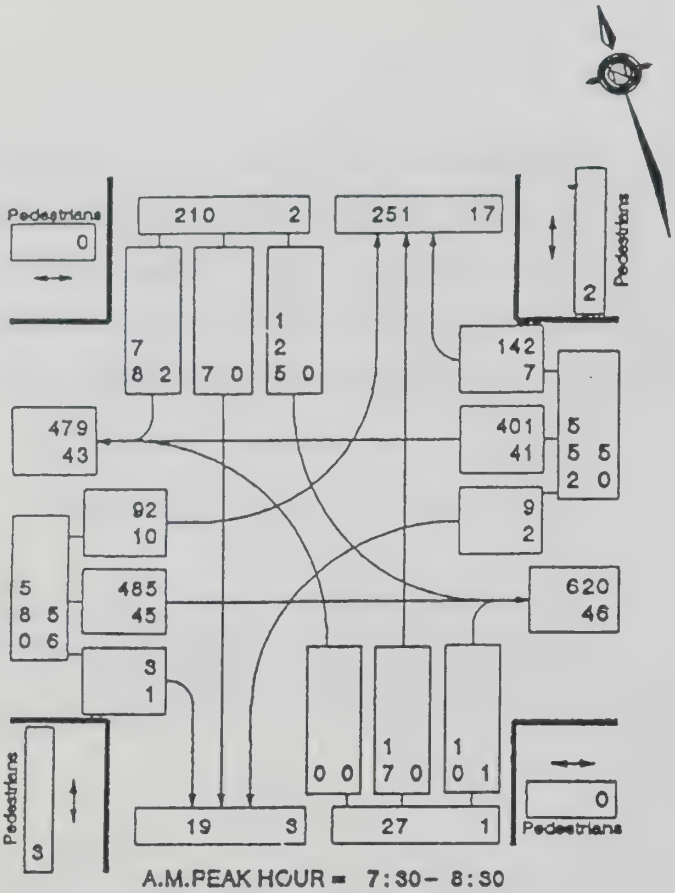
The Falkirk West Neighbourhood is presently provided with Hamilton Street Railway Company (HSR) service via Upper Paradise Road. Existing bus routes provide a direct link from the Falkirk West Neighbourhood to the Hamilton downtown core and other major community facilities.

HSR staff have indicated that the ultimate neighbourhood design should ensure that future residents be located within 400m of available transit. This can be accommodated through the placement of local streets and the provision of walkways as necessary.

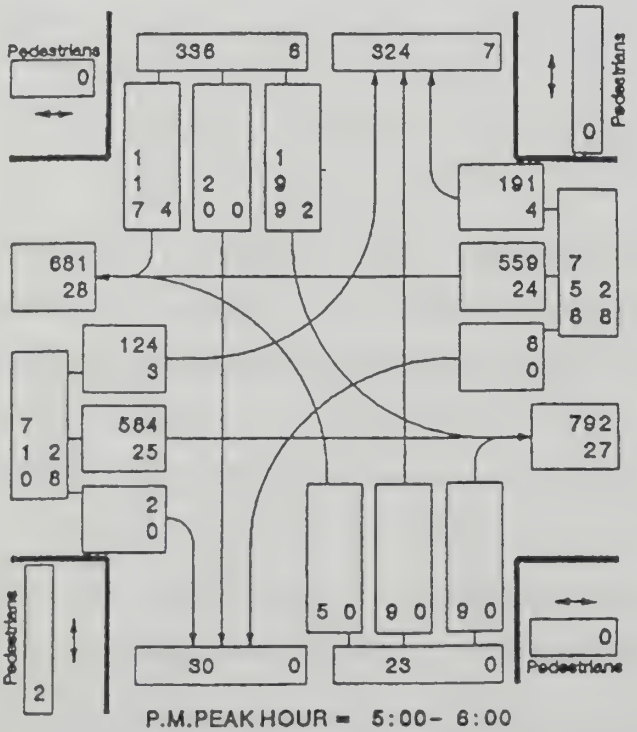
FALKIRK WEST NEIGHBOURHOOD

TRAFFIC VOLUMES (EXISTING CONDITIONS)

LOC. CODE= 12345
Date: Tuesday
95 Jun 27
Period: 7 hours
M.V.E./Yr = 6.734
AWDT FACTOR = 1.98



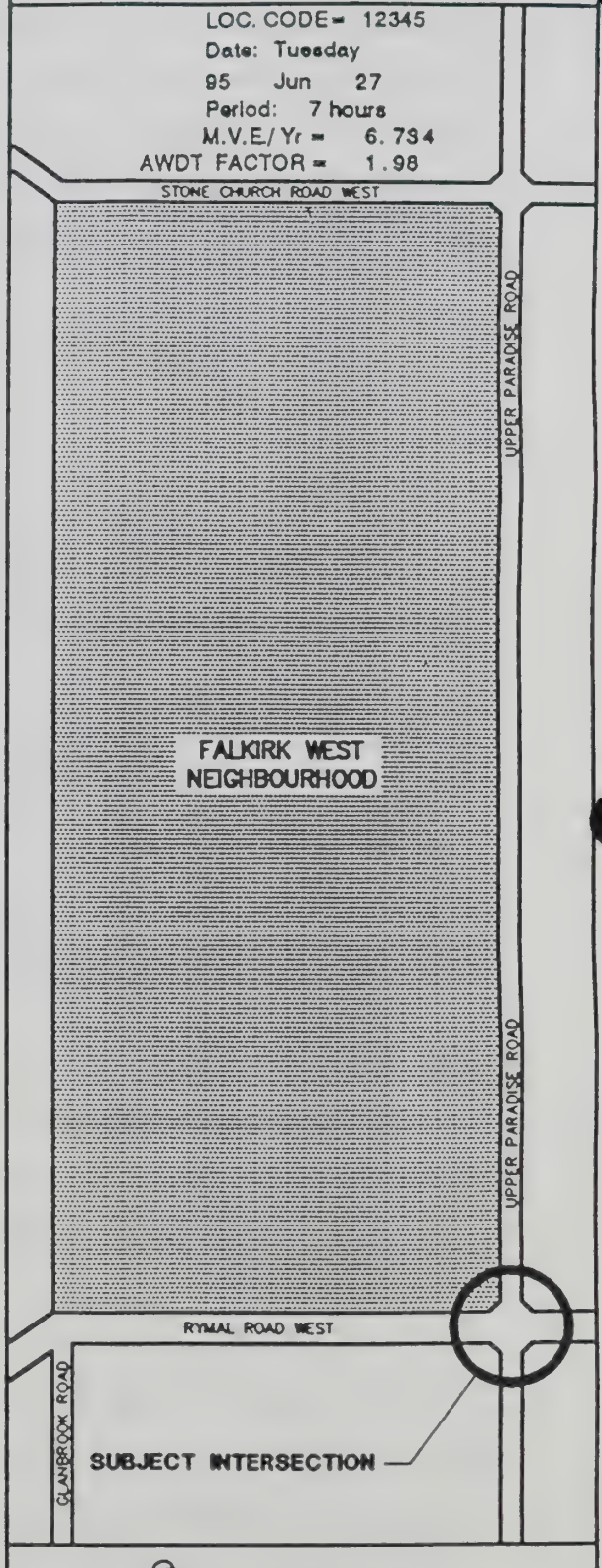
A.M.PEAK HOUR = 7:30- 8:30



P.M.PEAK HOUR = 5:00- 6:00

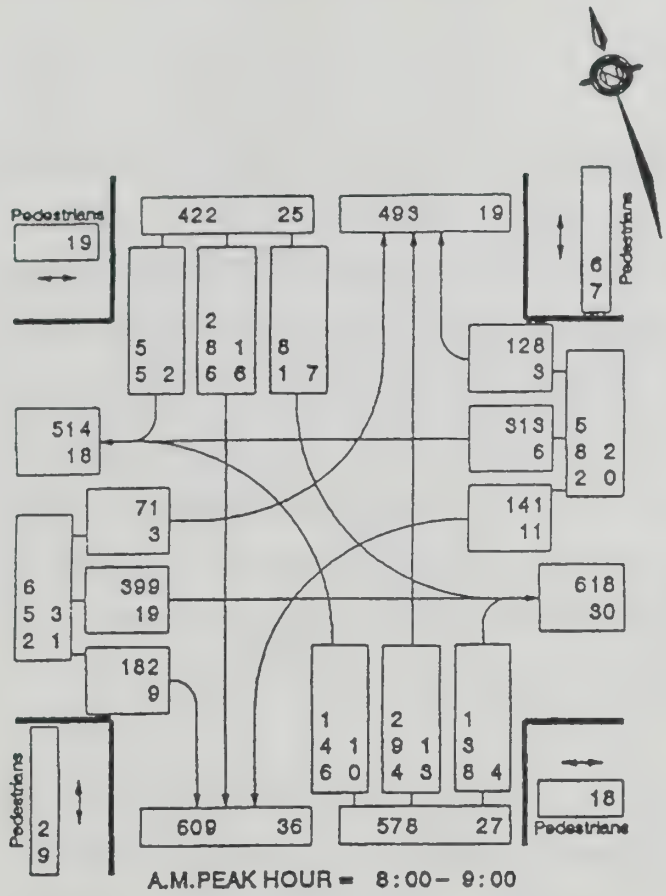
SOURCE:

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH - TRAFFIC DEPARTMENT 'TURNING MOVEMENT FLOW CHARTS'

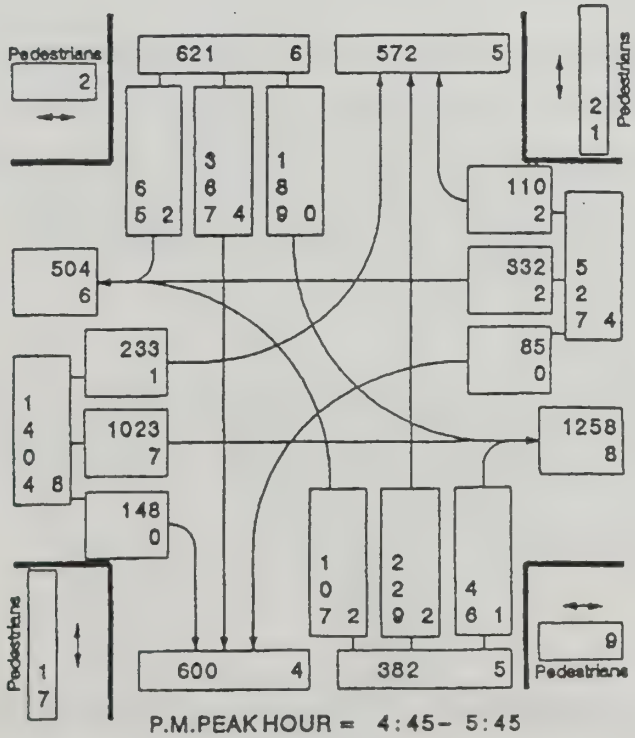


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DATE MAR./96	SCALE N.T.S	FIGURE 3a



A.M.PEAK HOUR = 8:00- 9:00



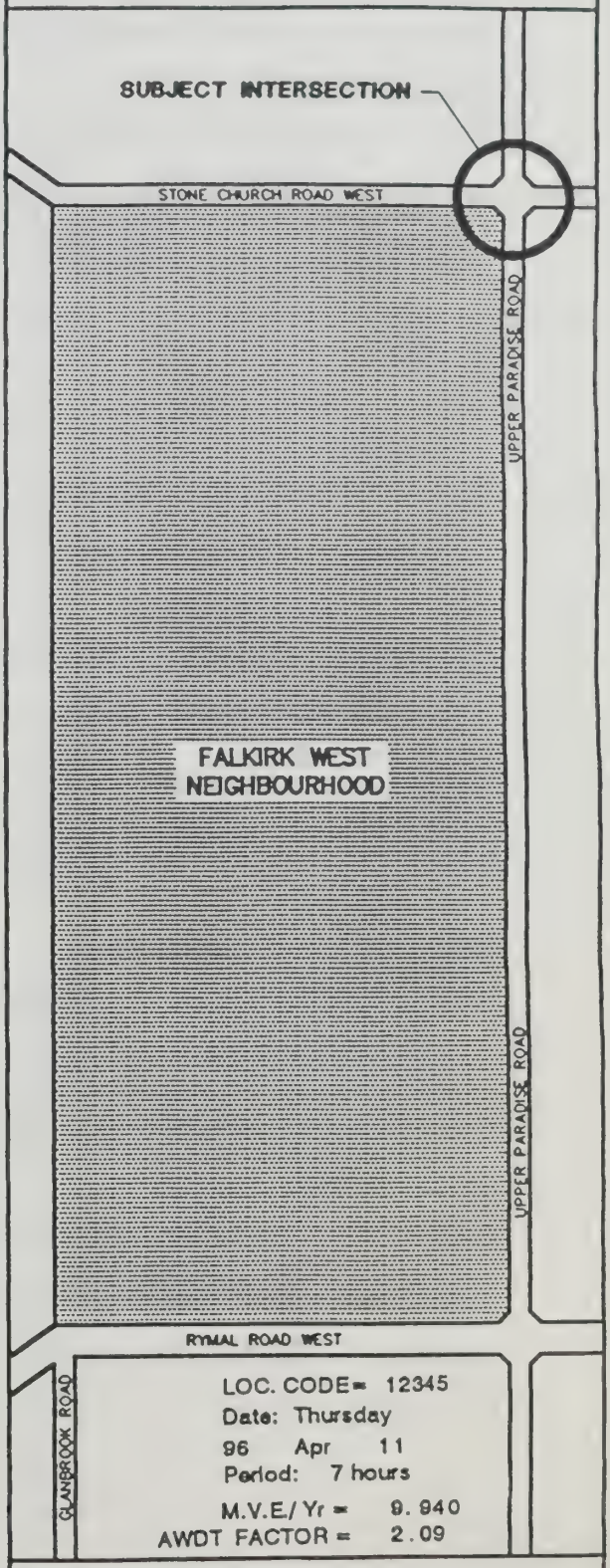
P.M.PEAK HOUR = 4:45- 5:45

SOURCE:

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH - TRAFFIC DEPARTMENT 'TURNING MOVEMENT FLOW CHARTS'

FALKIRK WEST NEIGHBOURHOOD

TRAFFIC VOLUMES (EXISTING CONDITIONS)



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DATE: MAR./96	SCALE: N.T.S.	FIGURE 3b

4.7 Schools

The Hamilton Public School Board owns a 2.4 hectare parcel of land for a future educational facility within the Falkirk West Neighbourhood. These lands, owned by the Public Board, are located almost entirely within the Tiffany Creek Environmentally Sensitive Area and their development for school purposes is severely limited if not impossible. The Hamilton Roman Catholic Separate School Board does not own any lands within the Falkirk West Neighbourhood. Both School Boards have indicated that a school site is not required within the Neighbourhood and that both elementary and secondary school needs can be accommodated in existing neighbourhoods.

The closest elementary separate schools are the following; St. Vincent de Paul - Gurnett Neighbourhood; St. Catharine of Sienna - Gilkson Neighbourhood; and Regina Mundi - Gilbert Neighbourhood. Public elementary schools are; Gordon Prince - Gurnett Neighbourhood; and R.A. Ridley - Gilkson Neighbourhood.

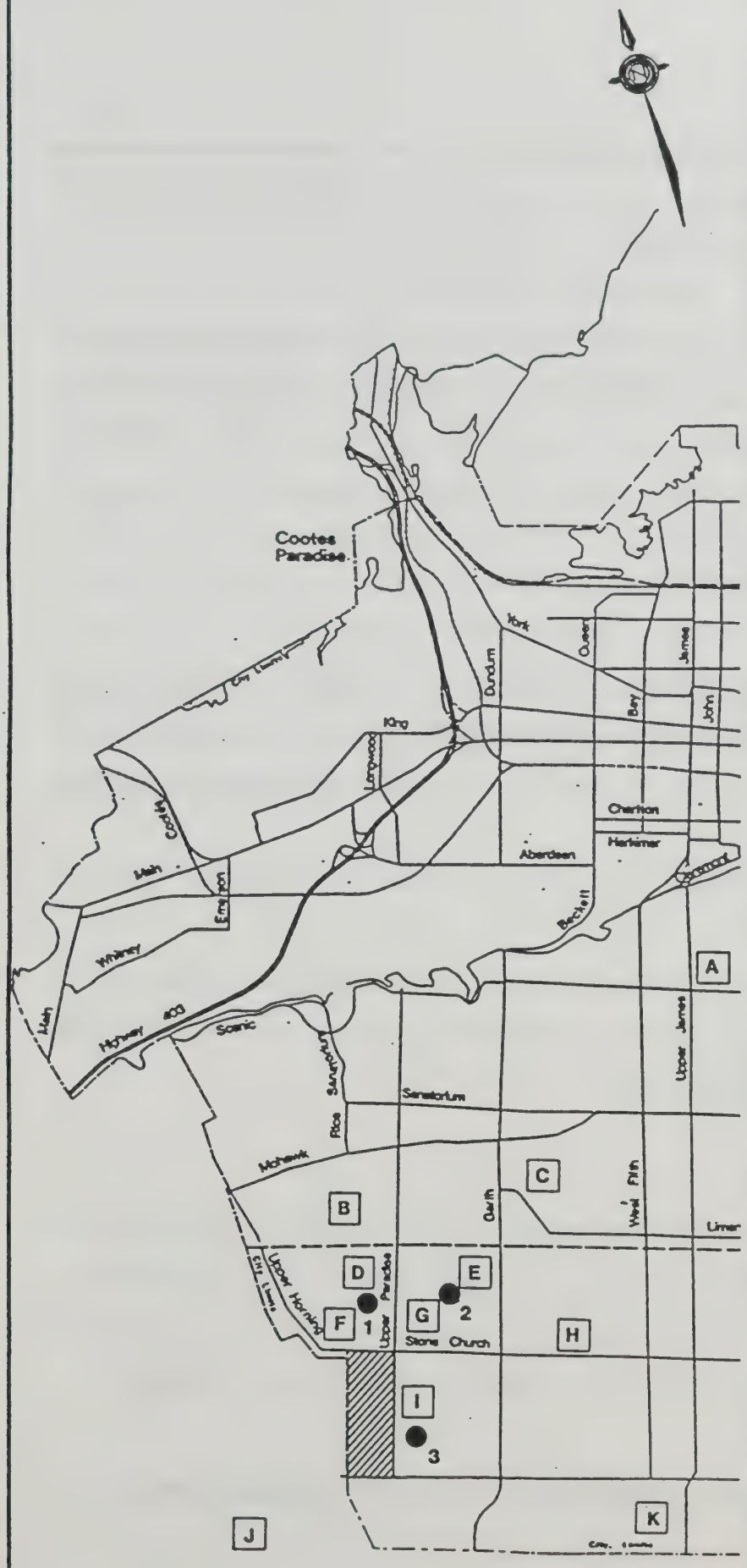
The separate secondary school serving this neighbourhood is St. Thomas More High School and it is located immediately adjacent to the Falkirk West Neighbourhood on the east side of Upper Paradise Road. Secondary public students may attend Sir Allan MacNab on Magnolia Drive south of Mohawk Road West (please refer to **Figure 4**).

4.8 Fire Protection / Police Services

The Falkirk West Neighbourhood has full protection services available and subsequent evaluation of both services will be further analyzed as the population growth occurs within the neighbourhood.

FALKIRK WEST NEIGHBOURHOOD

SCHOOL FACILITIES



LEGEND:

- FALKIRK WEST NEIGHBOURHOOD
- FIRST LETTER DENOTES–SEPARATE OR PUBLIC SCHOOL
- S–E
- P–S
- SECOND LETTER DENOTES SECONDARY OR ELEMENTARY

A	ST. CHARLES ADULT LEARNING CENTRE	S–E
B	SIR ALLAN MACNAB	P–S
C	WESTMOUNT	P–S
I	NEW ST. THOMAS MORE	S–E
J	HAMILTON DISTRICT CHRISTIAN HIGHSCHOOL	S–S
G	ST. CATHARINE OF SIENA	S–E
K	CORPUS CHRISTI	S–E
H	JAMES MACDONALD	P–E
E	R.A. RIDDELL	P–E
F	ST. VINCENT DE PAUL	S–E
D	GORDON PRICE	P–E

1	SHAWINIGAN PARK
2	GILKSON PARK
3	Wm. SCHWENGER PARK

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DATE: APR./96 | SCALE: N.T.S. | FIGURE 4

The Hamilton-Wentworth Regional Police serves this area from the Mountain Headquarters on Upper Wellington Street.

The Hamilton Fire Department serves this area from the Number 3 Fire Station at the intersection of Garth Street and Mohawk Road West. There are existing watermains and hydrants on all perimeter arterial roads and the interior local streets within the neighbourhood will be developed and provided with adequate pressure for fire protection services.

4.9 Garbage Services

The Hamilton Public Works Department has stated that the existing development in the Falkirk West Neighbourhood is serviced by curbside garbage pickup. A further extension of collection service will occur as the number of households increase throughout the development area.

4.10 Library Services

The Terryberry Library located at the corner of Mohawk Road West and West 5th Street services the west mountain area and will provide library services to the Falkirk West Neighbourhood (please refer to **Figure 5**).

4.11 Culture and Recreation

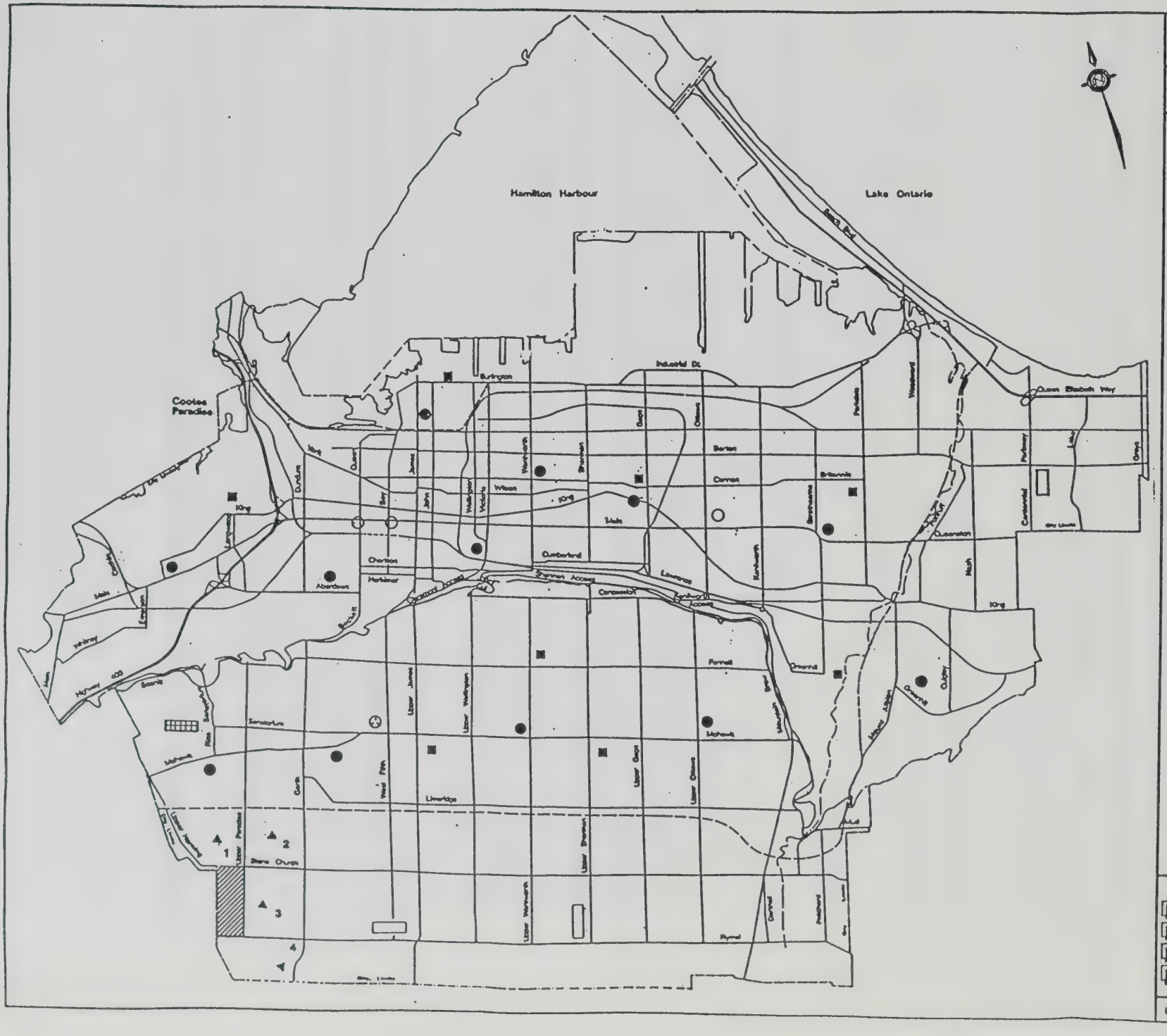
In order to guide the development of major cultural and recreational facilities, the City of Hamilton completed and adopted a report entitled "Vision 2000". No major facilities are proposed within the Falkirk West Neighbourhood. Many facilities have been established or are proposed within adjacent neighbourhoods and they are shown on **Figure 5**.

4.12 Parks and Open Space

There are currently no neighbourhood parks or public open space lands within the Falkirk West Neighbourhood. This neighbourhood does contain a large Environmentally Sensitive Area which will be designated for Open Space purposes and which may be utilized for passive recreational purposes with trails and walkways should it become publicly owned.

Active park needs are currently provided in the Falkirk East Neighbourhood which is conveniently located on the east side of Upper Paradise Road immediately opposite and central to the Falkirk West Neighbourhood. This abutting neighbourhood contains a developing community level 10.8 hectare park named William Schwenger Park which when combined with the adjoining separate secondary school site provides sufficient active park areas.

Figure 5 delineates the location of neighbouring parks.



FALKIRK WEST NEIGHBOURHOOD

EXISTING PARKS, CULTURAL AND RECREATIONAL FACILITIES

LEGEND:

- FALKIRK WEST NEIGHBOURHOOD
- COMMUNITY CENTRE
- ARENAS
- SENIOR CITIZEN CENTRE
- EXISTING RECREATIONAL FACILITIES SITE (TWIN PAD ARENA)
- PROPOSED RECREATIONAL FACILITIES SITE
- LIBRARY (TERRYBERRY LIBRARY)

- ▲ 1 SHAWNIGAN PARK
- ▲ 2 GILKSON PARK
- ▲ 3 Wm. SCHWENGER PARK
- ▲ 4 CARPENTER NORTH PARK

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DATE: MAR./96 | SCALE: 1:30,000 | FIGURE 5

5.0 PLANNING DOCUMENTATION

5.1 Provincial Policy Statement

In May 1996, a revised Provincial Policy Statement (PPS) was issued. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policies adopted under the Act. Therefore, the Falkirk West Neighbourhood Plan must "have regard to" the relevant policies of the Provincial Policy Statement.

There are several policies detailed in the PPS which are applicable to the Falkirk West Neighbourhood:

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly,

a) Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

The Falkirk West Neighbourhood is designated for development in the City of Hamilton Official Plan and the Region of Hamilton-Wentworth Official Plan.

1.1.2 Land requirements and land use patterns will be based on:

b) densities which:

1. efficiently use land, resources, infrastructure and public service facilities;

2. *avoid the need for unnecessary and/or uneconomical expansion of infrastructure;*

3. *support the use of public transit, in areas where it exists or is to be developed;*

4. *are appropriate to the type of sewage and water systems which are planned or available.*

All infrastructure, schooling and public transit services are available and within immediate access. The Falkirk West Neighbourhood will be planned to use land efficiently and will be serviced with full municipal sewage and water services. These lands are designated for urban purposes and therefore, represents a logical extension of existing development patterns. Development will also have a mix of uses and densities that efficiently use the land, the infrastructure and existing public services. As mentioned in Section 4.0 of this report, transit is currently available on neighbouring streets and therefore, the additional population will increase the economic viability of this existing service.

1.2.1 Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area by:

c) encouraging housing forms and densities designed to be affordable to moderate and lower income households;

A variety of dwelling forms will be made available in the Falkirk West Neighbourhood; no one dwelling type will predominate.

2.3.1 Natural heritage features and areas will be protected from incompatible development.

a) Development and site alteration will not be permitted in:

- *significant wetlands south and east of the Canadian Shield.*

2.3.2 Development and site alteration may be permitted on adjacent lands to a) and b) if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

2.3.3 The diversity of natural features in an area, and the natural connections between them should be maintained, and improved where possible.

As mentioned in Section 3.4 of this report, a detailed Environmental Impact Study has been prepared as part of the background studies for the Falkirk West Neighbourhood Plan. Therefore, preparation of the neighbourhood plan has given regard to this Policy of the Provincial Policy Statement.

5.2 Region of Hamilton-Wentworth Official Plan

The Falkirk West Neighbourhood is located within the Urban Policy Area designation of the Regional Official Policy Plan. The Regional Plan therefore permits urban development and delegates the allocation of land uses to the area municipality. The Regional Plan also designates the Tiffany Creek wetland complex as an Environmentally Sensitive Area (ESA) and requires the completion of an Environmental Impact Statement (EIS) in order to define the limits of the ESA and to ensure that development will not have a detrimental impact upon this sensitive area. Such a study was completed and accepted by the Regional Municipality of Hamilton-Wentworth's Environmentally Significant Areas Impact Evaluation Group on December 13, 1995.

5.3 The City of Hamilton Official Plan

The predominant designation of the Official Plan for the City of Hamilton within the Falkirk West Neighbourhood is "Residential". Other designations include Commercial at the intersection of Stone Church Road and both "Open Space" and "Major Institutional" in the interior of the neighbourhood.

Figure 6 is a copy of a portion of the Land Use Schedule of the City of Hamilton Official Plan. The Tiffany Creek Wetland complex is also designated as an Environmentally Sensitive Area as outlined in "Schedule D" of the Official Plan.

The "Major Institutional" designation reflects the current ownership of a parcel of land by the Public School Board and as mentioned in Section 4.7 of this Plan the development of a school is unlikely due to environmental considerations.

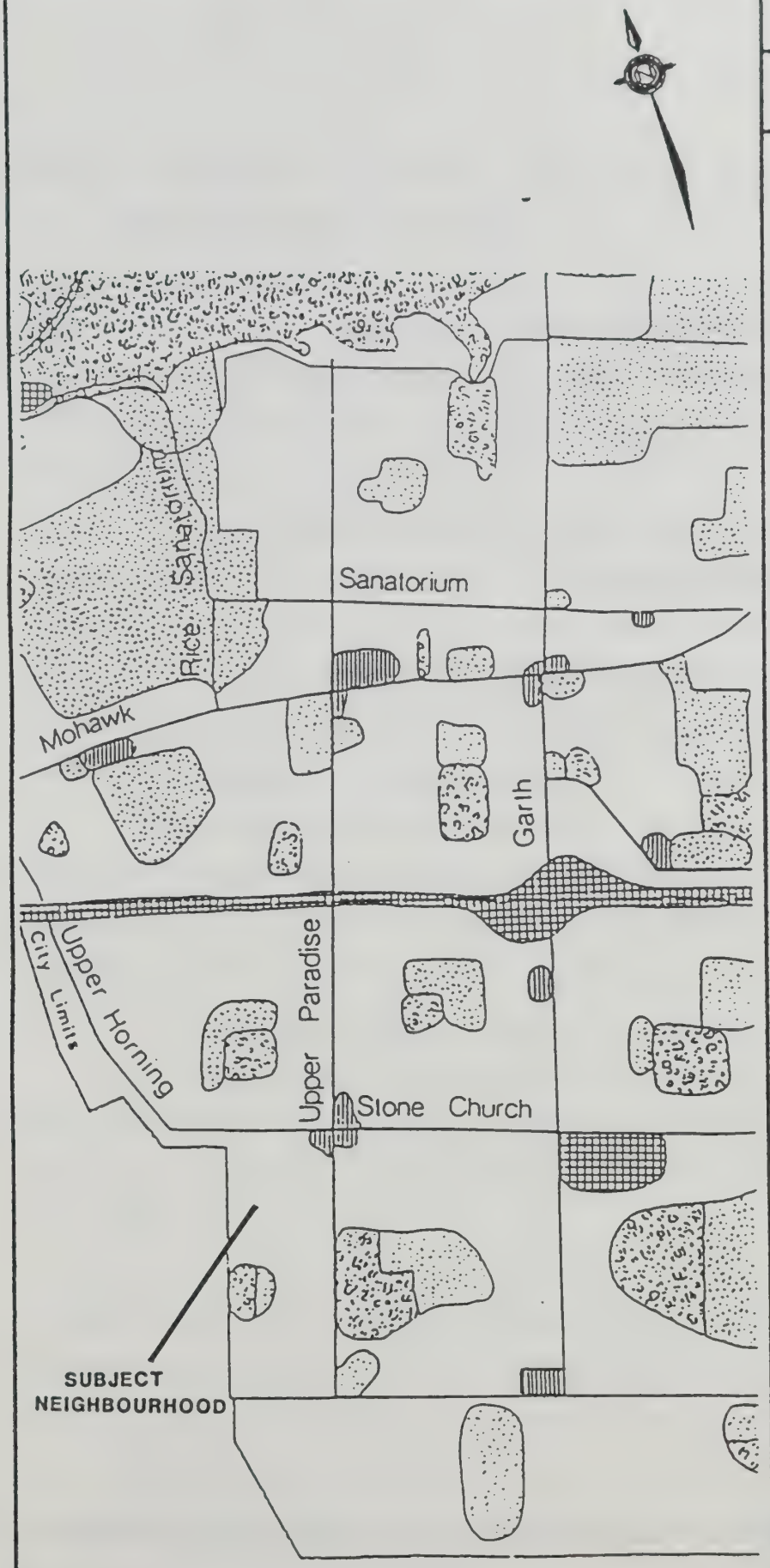
An amendment to the Land Use Schedule of the Official Plan will be required in order to recognize the land use pattern and environmental features of this Neighbourhood Plan (please refer to **Figure 6**).

5.4 Comprehensive Zoning By-law and Site Plan Control

Zoning within the Falkirk West Neighbourhood is regulated by By-law 6593 which was passed by City Council on July 25, 1950. The majority of the study area is zoned AA which permits agricultural and residential use. As development applications are processed, amendments to the Zoning By-law will be required to implement the approved use pursuant to the provision and regulation of By-law 6593, as amended.

FALKIRK WEST NEIGHBOURHOOD

HAMILTON OFFICIAL PLAN LAND USE DESIGNATION



LEGEND:

- FALKIRK WEST NEIGHBOURHOOD
- UTILITIES
- COMMERCIAL
- INSTITUTIONAL
- OPEN SPACE
- RESIDENTIAL

SOURCE:
CITY OF HAMILTON OFFICIAL PLAN SCHEDULE A (1983)
CITY OF HAMILTON PLANNING DEPT. FALKIRK EAST – APPROVED PLAN – REVISED 1991

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6.0 SUMMARY

1. All municipal and utility services are available and have adequate capacity to service the entire Falkirk West Neighbourhood for future development.

2. All current planning documents permit development within the Falkirk West Neighbourhood.

3. The Falkirk West Neighbourhood is a unique neighbourhood due to its relatively small size and its significant environmental features and assets. This neighbourhood also presents opportunities to capitalize on its environmental features by creating attractive streetscapes along the abutting arterial roads and vistas of the large natural area.

4. Environmental considerations such as the preservation of the Tiffany Creek Wetland are an important component of the planning of the Falkirk West Neighbourhood.

7.0 NEIGHBOURHOOD PLAN

Figure 7 is the Proposed Land Use Plan for the Falkirk West Neighbourhood. It identifies the general location of all existing land uses and roads together with the proposed land use schedule and the proposed road pattern. Table 3 outlines the land use allocations within the Falkirk West Neighbourhood.

The predominant land use category within the Neighbourhood Plan is the Open Space category. This recognizes the large Tiffany Creek wetland complex together with its associated buffer areas. Parkettes have been strategically located so as to create vistas or windows to the natural area and to provide convenient pedestrian access to the proposed trail system.

Low density residential land uses in the form of single and double dwellings are the second largest proposed land use category. An efficient road pattern has also been established to connect both the existing residential area with the proposed development areas.

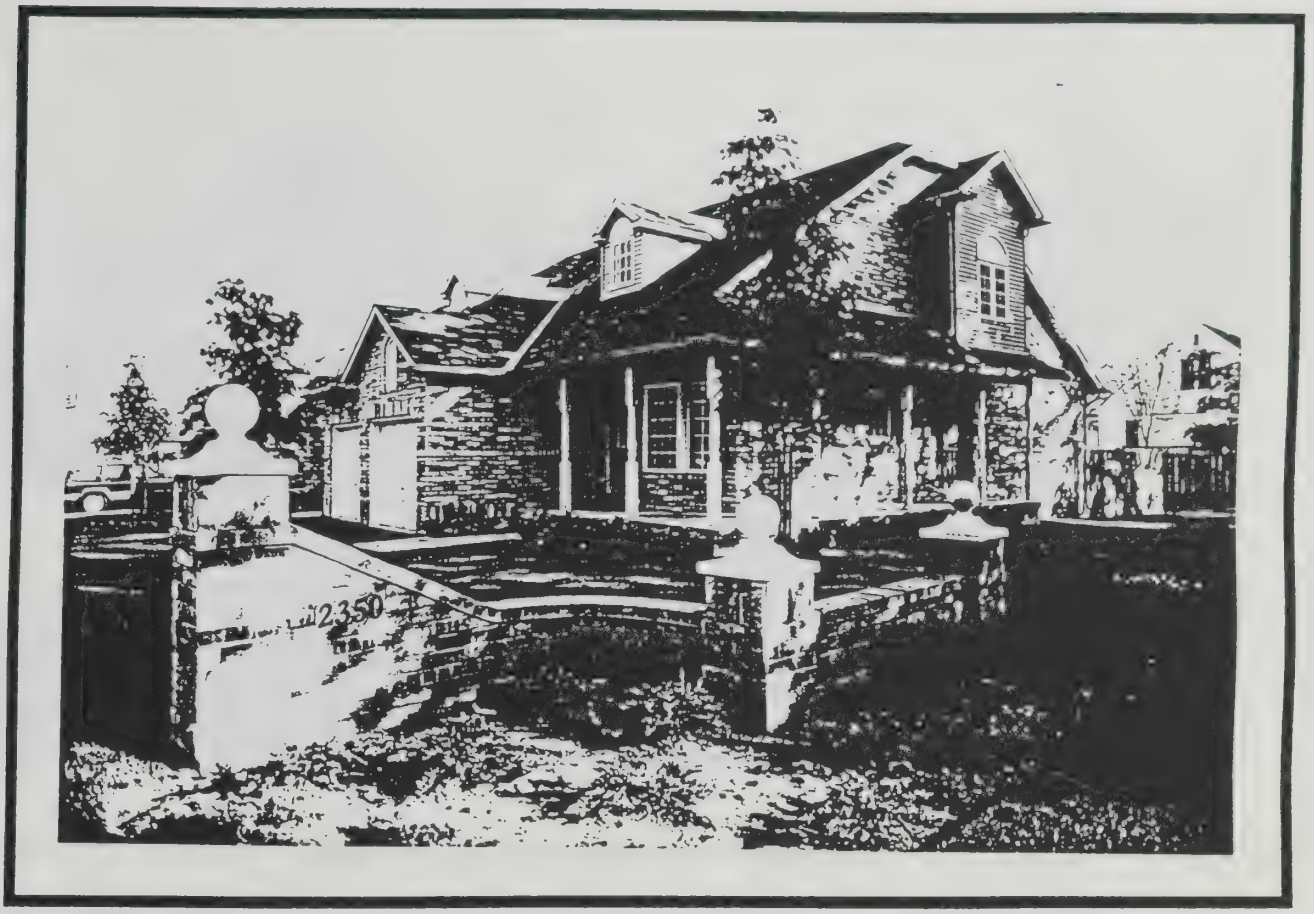
Wherever possible, the Neighbourhood Plan proposes direct frontage development along Upper Paradise Road in order to create a more aesthetic and pedestrian friendly streetscape.

It is the intent of this Plan that the Tiffany Creek ESA and appropriate buffer area will become public through dedication or conveyances. This open space system will be enhanced with a series of parkettes adjacent to the Open Space area which will serve as a "window" to the natural areas and provide pedestrian access points.

The Falkirk West Neighbourhood Plan contains the land use planning designation - "Innovative Housing". The term Innovative Housing is used to describe housing developments that contain a mix of dwelling types on one parcel of land in a community-like setting. These developments typically respond to a unique segment of the housing marketplace, for example empty nesters, and are usually targeted to the ownership sector. The dwellings can include single-detached, semi-detached and row/townhouse units; apartment structures are not considered to be a component of Innovative Housing developments.

By allowing a variety and mixture of dwelling types on a specific parcel of land, there is market flexibility for the respective home builder and a unique and attractive "community" is created within the municipality. Innovative Housing parcels also contain private roads and laneways and also include active play areas. The Falkirk West Neighbourhood is an appropriate area for Innovative Housing developments in the City of Hamilton because of the attractive natural environment offered by the Tiffany Creek Wetland and related open space. The pictures on the following pages are examples of the dwellings that would be constructed in the areas designated Innovative Housing of the Falkirk West Neighbourhood Plan.

INNOVATIVE HOUSING DEVELOPMENT FEATURES



CORNER DWELLINGS WITH SPECIAL SIDE AND FRONT WINDOW ENHANCEMENTS
INCLUDING GATE ENTRANCE FEATURES





SINGLE FAMILY DWELLINGS ON PRIVATE MUNICIPAL SERVICES





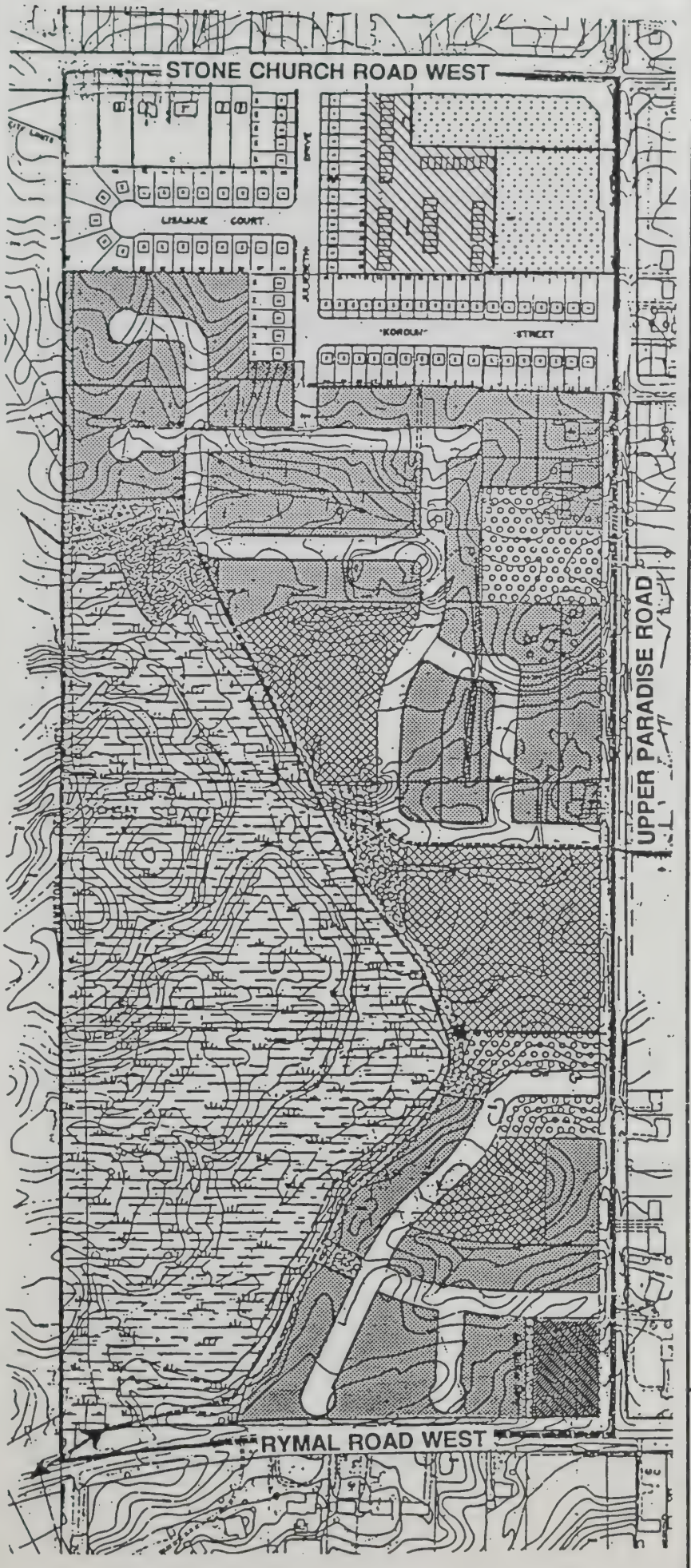
SINGLE FAMILY AND SEMI-DETACHED BUNGALOW DWELLINGS
ON A PRIVATE CONDOMINIUM ROAD





FOUR UNIT CLUSTER BLOCKS WITH 1½ AND 2 STOREY DWELLINGS
INCLUDING SPECIAL LIGHTING AND LANDSCAPE FEATURES





FALKIRK WEST NEIGHBOURHOOD

PROPOSED LAND USE

LEGEND:

- EXISTING SINGLES
- SINGLE AND DOUBLE
- EXISTING ATTACHED HOUSING
- ATTACHED HOUSING
- EXISTING COMMERCIAL
- NEIGHBOURHOOD COMMERCIAL
- OPEN SPACE (E.S.A.)
- OPEN SPACE (BUFFER)
- OPEN SPACE (PARKETTE)
- OPEN SPACE (STORM WATER MANAGEMENT)
- TRAIL

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DATE: MAR./96	SCALE: N.T.S.	FIGURE 7

REVISED DATE: AUG 30./96

TABLE 3

LAND USE	AREA		PERCENTILE
	HECTARE	ACRE	
EXISTING SINGLES	6.27	15.5	15.2
PROPOSED SINGLE AND DOUBLE	14.77	36.5	35.6
EXISTING ATTACHED HOUSING	1.13	2.8	2.7
PROPOSED ATTACHED HOUSING	.809	2.0	2.0
PROPOSED INNOVATIVE HOUSING	4.014	9.92	9.6
EXISTING COMMERCIAL	1.78	4.4	4.2
PROPOSED COMMERCIAL	0.4	1.0	0.96
OPEN SPACE - ESA	8.8	21.74	21.4
OPEN SPACE - BUFFER	2.075	5.13	5.1
OPEN SPACE - PARKETTE	0.80	1.977	1.9
STORMWATER MANAGEMENT	0.575	1.421	1.4
TOTAL	41.40	102.3	100%

8.0 FALKIRK WEST NEIGHBOURHOOD PLAN AND POLICIES

Falkirk West Neighbourhood Plan and Policies

The Falkirk West Neighbourhood Plan is a guide to the future development within the area. The Plan is an extension and elaboration of policies which exist in the City of Hamilton Official Plan. The Neighbourhood Plan describes the City of Hamilton's goals, desires and broad parameters for all development occurring in Falkirk West.

The Plan includes:

1. A diagrammatic representation of the street pattern and land use locations.
2. A set of written policies ranging from the broad to the more specific.

The goals represent the broad overall aims for the neighbourhood plan. The objectives, are more specific focusing on the aims for each land use. The policies are the governing principles through which the objectives may be achieved. Finally, the actions refer to particular initiatives which the City and/or other agencies must undertake to implement the objectives and policies.

As has been noted previously, the Falkirk West Neighbourhood contains a unique environmental feature that is unparalleled on Hamilton's south Mountain - the Tiffany Creek Wetland and related Environmentally Sensitive Area. The wetland is a strong community asset to Falkirk West and provides a tangible added value to any development occurring in the Neighbourhood. Proposed development in Falkirk West must be of a high standard of design and overall aesthetics that reinforces the area as a unique and attractive neighbourhood in the City of Hamilton.

A. GOALS

There are 6 goals which this neighbourhood plan strives to achieve. They are as follows:

1. The plan will provide for a variety of housing types including single-detached, semi-detached, row/townhouse and street townhouse developments. Single-detached dwellings will be constructed on building lots of large widths.

2. Residential densities will be distributed rationally to ensure compatibility with the existing developed areas.

3. The plan will provide a convenient, safe and visually-pleasing living environment that will recognize, preserve and protect the natural features of the Tiffany Creek Wetland and Environmentally Sensitive Area.

4. The plan will promote energy conservation through the use of passive solar gain, public transit and pedestrian walkways.

5. The plan will promote "innovative housing" while ensuring these developments are of a high standard of design, aesthetics and amenity.

6. An attractive and aesthetically-pleasing streetscape is important for Upper Paradise Road. This will be achieved by permitting front lotting of homes onto the road as opposed to conventional rear lotting arrangements.

The above goals are interrelated and form the basis from which the objectives, policies and actions of this plan are derived.

B. OBJECTIVES, POLICIES AND ACTION

Objective 1 - Housing

The Falkirk West Neighbourhood will have a variety of housing types including single family dwellings, semi-detached dwellings, townhouses and street townhouses in addition to the existing townhouses and single family residential developments. The focus of all single-detached developments will be on larger lot widths that have typically been constructed in the City of Hamilton.

The Neighbourhood Plan shall follow the City of Hamilton Official Plan's pertinent policies and definitions for specific densities for various forms of residential development.

Policies

1. It will be the policy of this plan to recognize the existing residential development in the northern portion of the Falkirk West Neighbourhood.

2. The lowest residential density (single and double) will be located adjacent to the existing single detached housing on Kordun Street, Juliebeth Drive and Lisajane Court.

3. Low density residential consisting of single-detached and semi-detached housing shall not exceed 15 units per gross hectare (6 units per gross acre). The Townhouse block shall not exceed 40 units per gross hectare (16 units per gross acre). The Innovative Housing blocks shall contain a mix of attached and detached dwellings and will not exceed 30 units per gross hectare (12 units per gross acre). Street Townhouse Blocks shall have a density that will not exceed 30 units per gross hectare (12 units per gross acre).

Objective 2 - Neighbourhood Development Design Guidelines

Future development within the Falkirk West Neighbourhood must be of a high standard of design, aesthetics and amenity. This will reinforce and accentuate the visual attractiveness and value of the Tiffany Creek Environmentally Sensitive Area and ensure the Falkirk West Neighbourhood is recognized as a unique and desirable area in the City of Hamilton.

Policies

1. The following development design guidelines shall apply to the lands designated as Innovative Housing:

   i) The maximum density shall not exceed 30 units per gross hectare (12 units per gross acre).

   ii) A mix of dwelling types (detached, semi-detached and row/ townhouse) shall be provided and not exclusively one dwelling type. No more than 6 units shall be attached in any one townhouse block.

   iii) No building shall exceed a height of 2 1/2 storeys. In addition, any buildings adjacent to the ESA shall not exceed 1 1/2 storeys.

   iv) For the blocks abutting the Tiffany Creek Environmentally Sensitive Area and buffer area, park and recreational areas shall be located adjacent to this area in order to enhance the total open space component.

   v) The overall landscaping and design of sites shall be sympathetic to adjacent natural areas.

   vi) Setbacks from the street should be minimized to maintain a street edge presence of the buildings.

   vii) Corner units shall have windows on the three sides and be designed to face both streets.

viii) Walkways shall be provided and integrated into the Neighbourhood trail system for those blocks located adjacent to the Tiffany Creek Environmentally Sensitive Area and buffer areas.

ix) The use of high quality architectural finishes will be required for all buildings, in particular structures visible from a public street or open space/parkland.

x) Garbage storage areas shall be screened and located away from public streets, open space/parkland and adjacent properties.

xi) A minimum 9.0m building setback from areas designated "Open Space - ESA".

2. The following development design guidelines shall apply to all other Residential developments in the Falkirk West Neighbourhood:

i) No building shall exceed a height of 2 1/2 storeys.

ii) Lot widths for single-detached dwellings shall be in the range of 40 feet to 55 feet (12.2 metres to 16.8 metres).

iii) Street townhouses shall have a minimum frontage of 20 feet (6.1 metres).

iv) The overall landscaping and design of sites shall be sympathetic to adjacent natural areas.

v) Setbacks from the street should be minimized to maintain a street edge presence of the buildings.

vi) The use of high quality architectural finishes will be required for all dwellings.

vii) Residential developments shall have a clear orientation or focus to the street to ensure an overall attractive streetscape and neighbourhood.

Objective 3 - Land Use Compatibility

All future residential development within the Falkirk West Neighbourhood shall be compatible with adjacent existing and committed development within the Falkirk West Neighbourhood and other surrounding neighbourhoods.

Policies

1. New development located adjacent to existing dwelling units will be similar in density and character.

2. The allowable density ranges within each residential designation will permit an appropriate density transition between existing and new areas of development.

3. All new Townhouse, Street Townhouse and Innovative Housing developments within the Falkirk West Neighbourhood will be subject to Site Plan Control and the Design Guidelines noted in Objective 2.

Actions

1. Rezonings, site plan approval, plans of subdivision/condominium will be utilized to ensure that new developments are compatible with existing developments.

2. All proposed development immediately adjacent to existing single detached residential housing will be of the same form within the Falkirk West Neighbourhood.

Objective 4 - Variety of Housing Types

A mixture of residential housing units will be provided and encouraged. A variety of residential dwelling units and densities will be provided.

Policies

1. Encouragement will be given to providing a variety of housing types.

Actions

1. The City will encourage development proposals which offer a variety of housing types where appropriate.

2. The City will consider, through the implementation of planning documents such as Zoning By-laws, Plans of Subdivisions and Condominiums and Site Plan Agreements, development proposals which offer innovative or unique housing and provide a variety of housing types within the neighbourhood.

3. In accordance with various City and regional policies, the Falkirk West Neighbourhood Plan provides an opportunity to create a variety of housing forms.

Objective 5 - Commercial Facilities

Residents of the Falkirk West Neighbourhood will have access to a community shopping facility. Presently, a commercial plaza is located at the southwest corner of the intersection of Upper Paradise Road and Stone Church Road West.

A proposed convenience shopping centre is to be located at the northwest corner of the intersection of Upper Paradise Road and Rymal Road West.

Policies

1. It will be the policy of this plan to recognize the existing community shopping centre located at the southwest corner of the intersection of Upper Paradise Road and Stone Church Road West.

2. The convenience/commercial development proposed for the northwest corner of the intersection of Upper Paradise Road and Rymal Road West will not exceed 0.4 ha or 1.0 acre in area.

3. The commercial uses permitted by the convenience/commercial designation will be limited to those uses that primarily serve the daily needs of the surrounding residents.

4. The development of the convenience/commercial area will be designed to mitigate any negative impact on the abutting residential areas and a 6.0m wide landscaped buffer shall be provided between the proposed residential and commercial land uses.

5. Vehicular access to the proposed convenience/commercial development will only be permitted through the proposed east-west street fronting on the northerly side of the commercial block.

Actions

1. The City will encourage and support improved pedestrian access along the west side of Upper Paradise Road for the convenience of residents walking to the shopping facilities in the Falkirk West Neighbourhood.

2. The City, through the appropriate Zoning designation, will restrict the establishment of commercial uses in the convenience/commercial area to ensure that these uses are compatible with existing and proposed surrounding residential uses.

3. In order to avoid any potential negative impacts on nearby existing and future residential uses, matters such as fencing, buffer strips, lighting and other design considerations will be addressed through the Site Plan Control process should the existing plaza be redeveloped and for the construction of the proposed convenience commercial plaza.

Objective 6 - Open Space - ESA

The Tiffany Creek Environmentally Sensitive Area and the wooded uplands to the west will be retained in their natural state and protected from any potential adverse impact associated with the development of the neighbourhood.

Policies

1. All lands located within the Tiffany Creek Environmentally Sensitive Area will be designated as "Open Space - ESA".

2. These lands will not be developed or used for active recreational purposes in order to maintain the ecological function of the designated Environmentally Sensitive Area. The intent is that this area may be used for passive public recreational uses and protection and maintenance of this area will continue so that the ESA will be maintained in its natural state.

3. A proposed bicycle path/pedestrian linkage shall be created on the most easterly buffer area of the Environmentally Sensitive Area. This will be designated as bicycle path/pedestrian linkage. Access to the trail system will be created through a series of parkettes. The buffer area must therefore include a minimum 7.5 metre wide table land area for the proposed trail.

4. In the consideration of any site specific land development applications, regard shall be given to the recommendations of the Falkirk West Wetland Environmental Impact Study. Should any future Environmental Impact

Study reduce or change the boundary of the Environmentally Sensitive Area, an amendment to this Neighbourhood Plan will be required prior to the consideration of any additional development.

Actions

1. The City will support an Official Plan Amendment to establish an Open Space designation for the lands within the Tiffany Creek Headwater Environmentally Sensitive Area and these lands will be designated as Open Space - ESA in the Falkirk West Neighbourhood Plan.

2. The proposed Open Space boundary and Top of Bank will be confirmed at the time of the approval of site specific development applications.

3. Stormwater management will be implemented in accordance with the overall Stormwater Management Plan for this neighbourhood.

Objective 7 - Parks

Adequate park land will be made available for the residents of the Falkirk West Neighbourhood.

Policies

1. A series of parkettes will be established along the boundary of the Tiffany Creek ESA in order to provide "visual windows" to this open space feature and to facilitate pedestrian access onto the neighbourhood trail.

2. A minimum one acre neighbourhood park will be provided in a central location to accommodate limited active play areas for local residents.

Actions

1. The City will acquire through dedication or conveyance the public parkettes as shown on the neighbourhood plan to provide public open space areas and access to the neighbourhood trail.

2. The City will ensure through Site Plan Control that each Innovative Housing block and Townhouse block will have an active play area.

Objective 8 - Schools

Both public and separate elementary and secondary schools shall be available and accessible to the residents of the Falkirk West Neighbourhood within the surrounding neighbourhoods.

Policies

1. The Public and Separate Boards of Education will be encouraged to develop appropriate school sites to accommodate the school needs of the Falkirk West Neighbourhood.

Objective 9 - Transportation

(Road System and Pedestrian/Bicycle Paths and Transit)

Road System

The road patterns will be designed recognizing the undulating topography where feasible maximizing energy efficiency without jeopardizing the safety and convenience of residents while maintaining accepted roadway geometric design criteria.

Policies

1. The street system will be designed in an east-west orientation where feasible in order to maximize potential solar orientation for the residential lots.

2. The internal street system for safety and amenity reasons will be designed to discourage through traffic and the road pattern will ensure that existing streets are not impacted by traffic for the developing areas.

3. The upgrading of Regional arterial roads will have to be considered in the Region of Hamilton-Wentworth's Capital Works Program. Internal roads will be constructed as required.

4. No direct residential frontage along Rymal Road West will be created although flankage and butt end roads will support an aesthetic streetscape.

5. The proposed road extending into the interior of the neighbourhood will function as a neighbourhood collector and will intersect with Upper Paradise Road directly opposite of the entrance of St. Thomas More High School. The road will be designed to accommodate a potential signal installation in the future.

6. Direct frontage development will be encouraged and permitted on Upper Paradise Road.

Actions

1. The City will endorse an internal road system for the neighbourhood which clearly identifies the collector road, minimize the number of stops and discourages through traffic.

2. The City will monitor traffic patterns and will construct traffic signals when warranted.

3. The intersection of Stone Church Road and Juliebeth Drive will be monitored on a regular basis to determine if signalization is warranted.

Bicycle Paths/Pedestrian Linkage

Pedestrian and bicycle paths will be encouraged by the City.

Policies

1. A pedestrian and/or bicycle path linking the various land uses in the Falkirk West Neighbourhood shall be incorporated into the buffer area adjacent to the Tiffany Creek ESA.

2. The City should assess the need for constructing sidewalks for pedestrians and/or bicycle paths that are provided in the neighbourhood.

Actions

1. The City will encourage the development of pedestrian/bicycle transportation links within the neighbourhood and between the Falkirk West Neighbourhood and adjacent neighbourhoods.

2. The City will encourage the development of bicycle/pedestrian paths through the process of Subdivision and Site Plan Control.

3. The bicycle/pedestrian linkage can include existing roads or easements where necessary.

Public Transit

The use of public transit will be promoted and encouraged by the City.

Policies

1. Public transit routes will serve as many people as possible by locating bus stops at convenient and accessible locations.

Actions

1. The City will encourage the development of the Falkirk West Neighbourhood to increase the viability of public transportation between this community and other parts of the City and the Region.

2. The City will encourage the Hamilton Street Railway Company to provide shelters and/or benches at most bus stops.

Objective 10 - Infrastructure

Municipal services including storm and sanitary sewers, potable water and a stormwater management facility will be provided for the Falkirk West Neighbourhood.

Policies

1. The City will request the Regional Engineering Department to provide storm and sanitary sewers and an adequate water supply capable of servicing the residents in the neighbourhood.

2. The development of the Falkirk West Neighbourhood will proceed on the basis of full municipal services including sanitary sewers, storm sewers and municipal water.

3. Stormwater management techniques will be implemented for all new development in accordance with the comprehensive Stormwater Management Study prepared for the Falkirk West Neighbourhood.

4. The development of the Falkirk West Neighbourhood will not create negative effects on downstream portions of Tiffany Creek and Twenty Mile Creek.

5. The City will ensure that grading and stormwater runoff will not adversely affect the Tiffany Creek wetland and Environmentally Sensitive Area.

6. The City will support the staging of development and the use of interim stormwater management areas pending the completion of an overall stormwater management system.

7. Further studies will be required to ascertain the design, location, size and dimensions of the proposed stormwater management facility.

8. The City of Hamilton will maintain the proposed stormwater management facility and this will be considered as a servicing facility (Utilities) similar to a pumping station.

9. Sewer easements, if required, must be 12 metres in width.

Actions

1. The land owners, the City and the Region will ensure that full urban services are available with the adequate capacity to service the entire Falkirk West Neighbourhood.

2. The land owners will prepare and submit for approval a servicing investigation to address delineation of drainage, stormwater management, easements required and the effect of storm and sanitary drainage from the neighbourhood on the existing systems, to the satisfaction of the Regional Engineering Department, respective Conservation Authorities and other appropriate agencies.

3. Land owners will ensure that appropriate siltation and erosion control measures will be put in place to avoid downstream siltation of Tiffany Creek, Twenty Mile Creek and existing storm sewers.

Objective 11 - Hydro Electrical Corridor

The Falkirk West Neighbourhood recognizes the existing hydro electrical facility on the western edge of the neighbourhood.

Policies

1. The development of the Falkirk West Neighbourhood will not interfere with the operation or the maintenance of the existing hydro electric facility on the western edge of the neighbourhood.

Actions

1. Development plans will be circulated to the appropriate authority to ensure that development within the Falkirk West Neighbourhood does not interfere with the safety, operation and maintenance of the hydro electric facility.

Objective 12 - Heritage Resources

The Falkirk West Neighbourhood contains a small prehistoric campsite and several isolated sport finds in the south-east corner of the neighbourhood.

Policies

1. Archaeological artifacts/sites are an important heritage resource of the City of Hamilton.

Actions

1. As land development occurs throughout the undeveloped portions of the neighbourhood, site specific archaeological investigations may be required.

9.0 ADMINISTRATIVE PROVISIONS

The Falkirk West Neighbourhood Plan is policy of City of Hamilton Council but is not incorporated into the Official Plan. The plan is not intended to be rigid. It is anticipated, however, that there will be minor changes from time to time in response to new circumstances. These changes should not deviate from the general goals, objectives and overall philosophy of the plan. Very minor changes in land use and boundaries of a "housekeeping" nature will not necessitate an amendment to the Neighbourhood Plan. However, other changes of a more substantive nature will require Council approval and full participation of those residents and landowners affected.

An Official Plan Amendment is required if any Commercial designation is proposed to exceed 0.4 hectare (1.0 acre). Any other major changes to the Neighbourhood Plan which do not conform to the Official Plan will require an amendment to the Official Plan.

10.0 NEIGHBOURHOOD ANALYSIS

FALKIRK WEST NEIGHBOURHOOD - NEIGHBOURHOOD ANALYSIS

LAND USE	AREA ha	AREA ac.	%	Dwelling Units (du)[1]	Estimated Population (p)[2]
EXISTING / COMMITTED					
Single and Double	6.27	15.50	68.2	84	294
Attached Housing	1.13	2.80	12.3	48	168
RESIDENTIAL SUB- TOTAL	7.40	18.30	80.5	132	462
Commercial	1.78	4.40	19.4		
NON RESIDENTIAL SUB-TOTAL	1.78	4.40	19.4	0	0
TOTAL EXISTING	9.19	22.70	100.0	132	462
PROPOSED					
Single and Double	14.77	36.50	45.8	220	770
Attached Housing	0.81	2.0	2.51	32	96
Innovative Housing	4.014	9.9	12.45	120	362
RESIDENTIAL SUB-TOTAL	19.57	48.35	60.7	370	1228
Commercial	.40	1.00	.012	-	-
Park/Open Space/Utilities	12.25	30.26	38.8	-	-
NON-RESIDENTIAL SUB-TOTAL	12.65	31.25	39.2	-	-
TOTAL PROPOSED	32.22	79.62	100%	370	-
TOTAL NEIGHBOURHOOD PLAN	41.40	102.33	100%	502	1682

NOTES:

1. NUMBER OF DWELLING UNITS (D.U.) FOR EXISTING DEVELOPMENT BASED ON UNIT COUNT. FOR PROPOSED DEVELOPMENT, NUMBER OF DWELLING UNITS DERIVED BASED UPON ASSUMED AVERAGE DENSITIES OF:

SINGLE AND DOUBLE	14.8 D.U. PER GROSS HA
ATTACHED HOUSING	39.5 D.U. PER GROSS HA
INNOVATIVE HOUSING BLOCKS	29.6 D.U. PER GROSS HA

2. POPULATION ESTIMATED ON ASSUMED OCCUPANCY RATES OF:

SINGLE AND DOUBLE	3.5 PERSONS/D.U.
ATTACHED HOUSING	3.0 PERSONS/D.U.
INNOVATIVE HOUSING BLOCKS	3.0 PERSONS/D.U.

APPENDIX A

SOURCES / ACKNOWLEDGEMENTS

The City of Hamilton Official Plan
Adopted May 11, 1982

The Regional Municipality of Hamilton-Wentworth
Official Plan
Adopted June 17, 1980

Ontario Provincial Policy Statement
May 1996

Draft Falkirk West Neighbourhood Plan
May, Pirie and Associates Limited (1992)

City of Hamilton
Planning and Development Department
Paul Mallard, MCIP, RPP
Bill Janssen, MCIP, RPP
Keith Extance, MCIP, RPP
Stephen Robichaud, MCIP, RPP
Nina Chapple
August 1996

Regional Municipality of Hamilton-Wentworth
Regional Environmental Department
Guy Paparella, MCIP, RPP
Raymond Lee, MCIP, RPP
G.D. Baguley, P.Eng
Eugene Chajka, P.Eng
Harold Groen, C.E.T.
June 1996

City of Hamilton
Department of Public Works and Traffic
Roland Karl, P.Eng
June 1996

Ecologistics Limited
George McKibbon, M.E.S.

C.C. Parker Consultants Limited

Water and Earth Service Assessments Limited

Hamilton Street Railway
March 1996

City of Hamilton Culture and Recreation Department
March 1996

City of Hamilton Public Works Department
March 1996

City of Hamilton Fire Department
March 1996

Central Hamilton Library
April 1996

Hamilton-Wentworth Separate School Board
March 1996

Hamilton Public School Board
March 1996

Site Visit and Topographic Analysis
March/April 1996

Planning Initiatives Limited
Sergio Manchia, MCIP, RPP
John Ariens, MCIP, RPP

6.

CITY OF HAMILTON

- RECOMMENDATION -

3:40
SEP 1 1 1996

DATE: 1996 September 10
ZAC-96-07
Falkirk West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 988 Upper Paradise Road.

RECOMMENDATION:

(a) That approval be given to amended Zoning Application ZAC-96-07, Dicon Developments, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District and "C" (Urban Protected Residential, etc.) District, for property located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road, known municipally as 988 Upper Paradise Road, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances, as special requirements:

1) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 8.5 metres shall be provided and maintained;

2) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot or tract of land shall have a minimum width of 15.0 metres and an area of at least 450 square metres within the district;

3) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained for each single family dwelling;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-9B be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council;

(vi) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Block "2" to Schedule "A";

(vii) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Block "2" under Site Plan Control; and,

viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for property located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road, known municipally as 988 Upper Paradise Road, as shown on the attached key map on the following basis:

Block "1" - from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,

Block "2" - from "AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit the development of Block "1" for townhouse units and Block "2" for single detached dwellings.

In addition, the By-law provides for the following special requirements for Block "2":

1) a minimum front yard having a depth of not less than 8.5 metres shall be provided and maintained, whereas the By-law normally requires 6.0 metres;

2) a minimum lot width of 15.0 metres and lot area of at least 450 square metres, whereas the By-law normally requires a lot width of 12.0 metres and lot area of 360 square metres;

3) a T-shaped manouvering area shall be provided and maintained for each single family dwelling, in addition to the required parking and manouvering space.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicant's intention to change the zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District and "C" (Urban Protected Residential, etc.) District, for lands located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road, known municipally as 988 Upper Paradise Road to permit the use of the Block "1" for townhouse dwellings and Block "2" for single detached residential purposes (see APPENDICIES "A" and "B").

- Falkirk West Neighbourhood Plan

The consulting firm Planning Initiatives Ltd. has prepared a proposed Neighbourhood Plan for the Falkirk West Neighbourhood. The proposed Neighbourhood Plan and accompanying land use schedule was prepared in consultation with staff of the Planning and Development Department and other departments. (Copies of the proposed Falkirk West Neighbourhood Plan policies are available from the Planning and Development Department.) Development in the Falkirk West Neighbourhood has been previously constrained due to the lack of sewers. Sewers are now presently available for the Falkirk West Neighbourhood. As such, development of the neighbourhood can proceed in accordance with the proposed revised neighbourhood plan.

APPLICANT:

Dicon Development, owner.

AGENT:

Planning Initiatives.

LOT SIZE AND AREA:

- 86 m (290 ft.) of lot width;
- 91.44 m (390 ft.) of lot depth; and
- 8,094 m^2 (2 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	One single detached dwelling and vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Residential	"AA" (Agricultural) District
to the south	Residential and Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	Single Detached Dwellings and vacant lands	"AA" (Agricultural) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;"

As the proposal implements the mix of housing types established in the proposed neighbourhood plan with adequate off-street parking, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" and "Single and Double Residential" in the proposed Falkirk West Neighbourhood Plan. Should Council adopt the proposed neighbourhood plan, then the proposal complies with the intent of the proposed plan.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. The "C" zone does permit single family dwellings, with the requirement that each lot is to be a minimum of 12.0m wide and an area of 360 m^2.

  2. Based on the lot area provided of 6,694.26 m^2, the maximum number of townhouse dwelling units is twenty-nine (29) units."

- The Traffic Division, Department of Public Works and Traffic has advised that:

  "In response to your letter dated 1996 May 30, please be advised that we have no specific comment with respect to the requested zoning change at this time. This property is currently under study as part of the Falkirk West Neighbourhood. Given the status of the

neighbourhood plan, we recommend that this application be held pending resolution of the neighbourhood plan at which point additional comments may be required."

- The Regional Environment Department, has advised that:

"There are public watermains and separate storm and sanitary sewers available on Upper Paradise Road to service the subject lands."

- The Region's Transportation Department, Roads Division, has advised:

"We have reviewed the above application and submit the following comments:

(1) The designated road allowance width of Upper Paradise Road is 30.48 m. In accordance with this designation, we require that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 15.24 m from the centreline of the original Upper Paradise Road road allowance. According to our records, this road widening is 5.18 m in width across the entire frontage of lands to be rezoned.

(2) There is a vertical crest curve on Upper Paradise Road which limits the visibility of motorists entering Upper Paradise Road from the subject lands. For this reason it is desirable to limit the number of single family lots with direct access to Upper Paradise Road and also ensure that any single family lot be sufficient in width to accommodate the construction of a vehicle turn around on private property in order that motorists can enter Upper Paradise Road in a forward manner. We therefore recommend that the minimum lot width for single family lots, as shown on the preliminary site plan, be 15.0 m and that special provisions be placed in the amending zoning by-law for this frontage requirement. We also recommend that the entire site be placed under site plan control to ensure that our grading requirements and the location and design of the vehicle turn around on private property conform to our requirements.

(3) There is a draft approved plan of subdivision on the east side of Upper Paradise Road which may limit the areas in which the access to the townhouse site can enter Upper Paradise Road. This matter is being reviewed by the Traffic Division of the City of Hamilton Department of Public Works and Traffic.

(4) The Falkirk West neighbourhood plan has not been approved to date but we understand that the plan will be presented at the same Planning and Development Committee as this application. In particular we note that lands to the north of the site have insufficient frontage to construct a 20 m width cul-de-sac from the internal street with lots on each side. According to our records, an approximate 7m width strip of land from the north side of this property would be required to establish the lots and cul-de-sac with adjacent lands to the north. Prior to

establishing any zoning boundaries, we recommend that the land use proposed on this site and adjacent lands to the north and west be reviewed to ensure that this property and adjacent lands can be developed to their optimum development potential. These concerns were previously brought forward during our review of the Falkirk West Neighbourhood Plan."

- The Hamilton Region Conservation Authority had no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

- The Treasury Department has advised that Realty Tax arrears in the amount of $857.69 are currently outstanding as of July 23, 1996, on the subject lands.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the proposed Falkirk West Neighbourhood Plan; and,

   ii) it would be compatible with existing and future planned residential uses.

3. The "RT-20" (Townhouse - Maisonette) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

   The proposed Falkirk West Neighbourhood Plan contains urban design guidelines. As part of the site plan review, the proposed townhouse site will be reviewed for conformity with the urban design guidelines.

4. The Building Department has advised that additional information regarding minimum lot area and building setbacks for the townhouse block will be required to determine compliance with the Zoning By-law. At the time of site plan review, the applicant will be required to submit detailed plans which will be reviewed for Zoning By-law conformity.

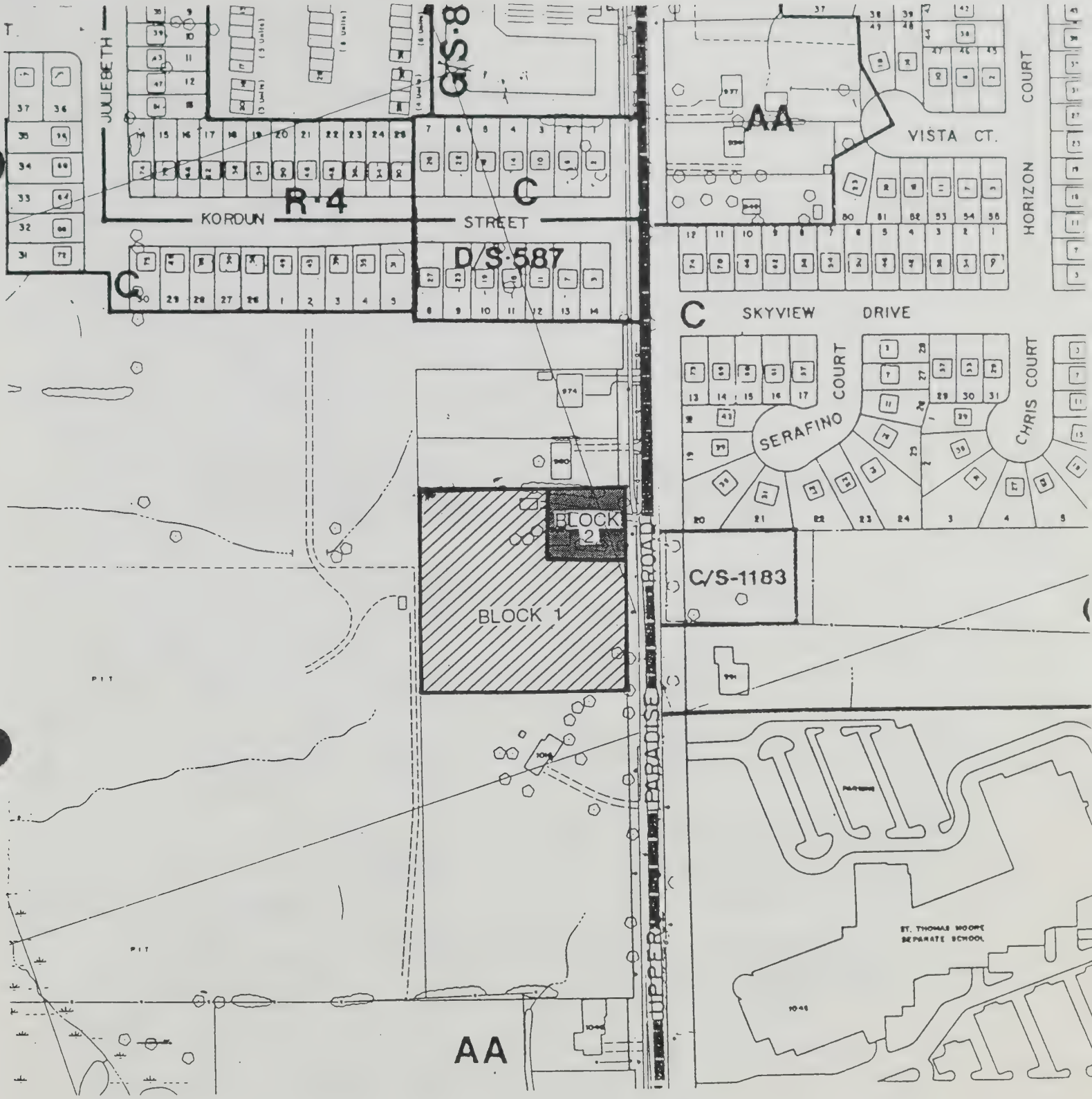
5. The Traffic Division recommended that the application be held in abeyance pending finalization of the Falkirk West Neighbourhood Plan. A public meeting of the Planning and Development Committee to consider the proposed Neighbourhood Plan has been scheduled for September 18, 1996. Should the Neighbourhood Plan be approved, then the proposed change in zoning will conform to the Neighbourhood Plan.

   In keeping with the residential character of Upper Paradise Road, the proposed neighbourhood plan provides for direct vehicular access onto Upper Paradise Road. However, to avoid manouvering problems, the Traffic Division has requested that sufficient on-site manouvering space be provided. As such, the applicant, at the request of the Traffic Division, has agreed that the zoning by-law should require that two manouvering spaces be provided to allow for on-site manouvering (i.e. the turning around of a vehicle) rather than having vehicles backing onto Upper Paradise Road. In order to ensure that issues pertaining to grading, vehicular access and on-site manouvering are adequately addressed, the lands proposed to be developed for two single detached dwellings (Block "2") should be placed under site plan control.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-96-07.RPT



Legend

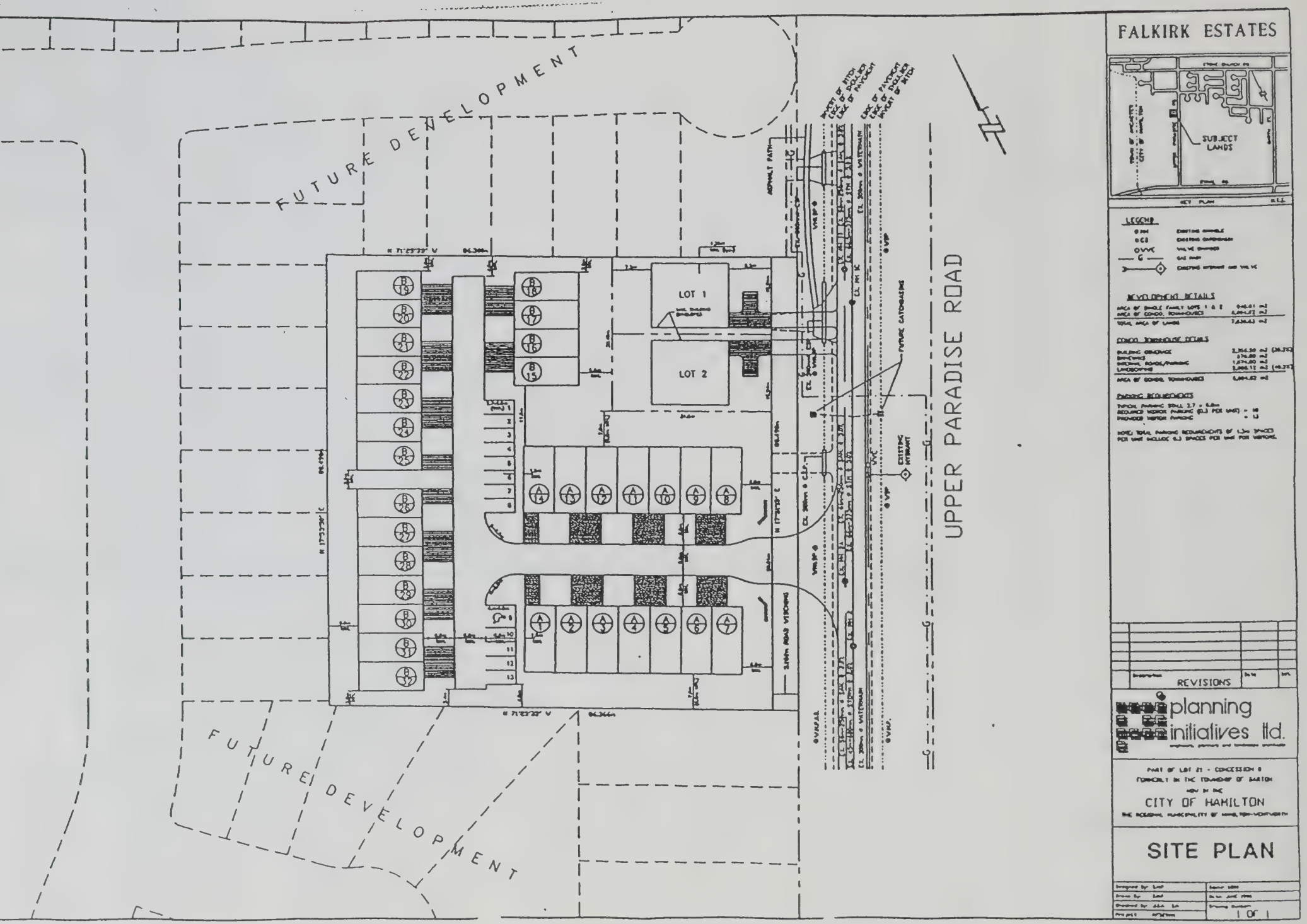
Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District

BLOCK 2 — "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

ZAC-96-07

APPENDIX "A


FUTURE DEVELOPMENT
LOT 1
LOT 2
UPPER PARADISE ROAD
FUTURE DEVELOPMENT
FALKIRK ESTATES
SUBJECT LANDS
REVISIONS
planning initiatives ltd.
CITY OF HAMILTON
SITE PLAN
1 OF 1

APPENDIX "B"

7a)+b)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: S.G. Hollowell
Acting City Clerk

OUR FILE:
PHONE: 546-4645

SUBJECT: **Referral Back of Items 14 and 15 of the Thirteenth Report of the Planning and Development Committee for 1996**

DATE: 1996 August 28

Council, at its meeting of 1996 August 27, moved to refer back to the Planning and Development Committee the above-noted items regarding requests for demolition permits for property located at 1187 West 5th Street and 1193 West 5th Street as follows:

"14. That City Council deny a demolition permit for 1187 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

15. That City Council deny a demolition permit for 1193 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended."

S. Hollowell

SGH/TA/jt

cc: L. King, Building Commissioner

App'd by Committee 1996 Aug 21
Referred Back by Council 1996 Aug 27 CITY OF HAMILTON

(d)

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1187 West 5th Street - Tag Number 96937
(96.1.1.A)

RECOMMENDATION:

That City Council denies a demolition permit for 1187 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT/20-1230 (Map W9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: The property at 1187 West 5th Street is in Ward 8 and is located in the Mewburn Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing vacant 1½ storey wood frame single family dwelling and create a parking lot. Please be advised, that this specific zone requires site plan approval prior to the creation of a parking lot and that a parking use is not permitted in an RT-20 zoning district.

As of 1996 July 29, no applications have been made to the Committee of Adjustment for a minor variance or land division, nor have there been any recent applications to the Planning Department for a zoning change. Please note that in 1992 an application was made to the Land Division Committee (H-86-92) and the severance is final (please see attached letter). No LACAC interest. Lot size 63.060' x 288.00'.

Continued on Page Two .....

The owner of the property as per the demolition permit is:

Rosart Properties
226 South Service Road
Oakville On L6J 2X5

The applicant as per the demolition permit is:

Vince P. Dibernardo
1550 Upper James Street
Hamilton On L9B 2L6

SSB/sb

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Land Division Committee
119 King Street West, 14th Floor
Hamilton, Ontario
(905) 546-4144 Fax (905) 546-4384
TDD-522-1787

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

Refer to File No.
Attention of
Your File No.

#1187 WEST 5th ST.

July 29, 1996

Post-it® Fax Note 7671	Date 8/7/96	# of pages ▶ 1
To Nancy Drapeau	From A. Tantalo	
Co./Dept.	Co.	
Phone # 3935	Phone # 4144	
Fax # 2764	Fax #	

Mr. Len King
Building Commissioner
Department of Buildings
City Hall

Attention: Nancy Drapeau

Dear Sir:

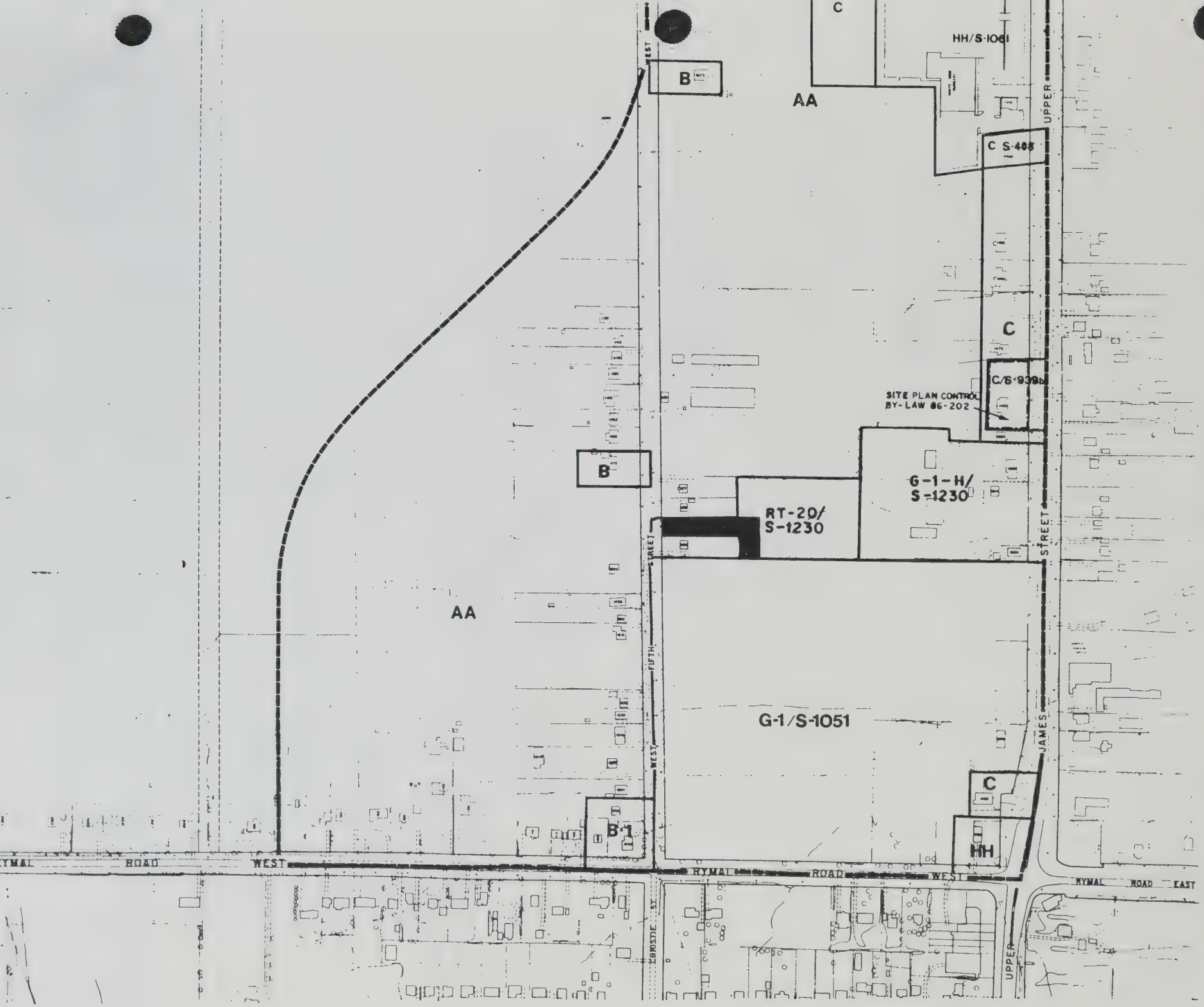
SUBJECT: Application No: H-86-92
Applicant: Giovanni Fortino (in Trust)
Premises: Part of Lot 15, Con. 8
City of (Barton) Hamilton

Please be advised that the conditions imposed by the Land Division Committee in the above-noted application has been complied with.

Yours truly,

Guy Paparella, M.C.I.P., R.P.P.
Secretary-Treasurer

GP/as



SUBJECT PROPERTY:
1187 WEST 5TH

App'd by Committee 1996 Aug 21
Referred Back by Council 1996 Aug 27

CITY OF HAMILTON

(e)

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1193 West 5th Street - Tag Number 96936
(96.1.1.A)

RECOMMENDATION:

That City Council denies a demolition permit for 1193 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1230 (Map W9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: The property at 1193 West 5th Street is in Ward 8 and is located in the Mewburn Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing vacant 1½ storey wood frame single family dwelling and create a parking lot. Please be advised, that this specific zone requires site plan approval prior to the creation of a parking lot and that a parking use is not permitted in an RT-20 zoning district.

As of 1996 July 29, no applications have been made to the Committee of Adjustment for a minor variance or land division, nor have there been any recent applications to the Planning Department for a zoning change. Please note that in 1992 an application was made to the Land Division Committee (H-86-92) and the severance is final (please see attached letter). No LACAC interest. Lot size 62.50' x 230.00'.

Continued on Page Two .....

The owner of the property as per the demolition permit is:

Rosart Properties
226 South Service Road
Oakville On L6J 2X5

The applicant as per the demolition permit is:

Vince P. Dibernardo
1550 Upper James Street
Hamilton On L9B 2L6

SB/sb

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Land Division Committee
119 King Street West, 14th Floor
Hamilton, Ontario
(905) 546-4144 Fax (905) 546-4364
TDD-522-1787

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

Refer to File No.
Attention of
Your File No.

July 29, 1996

1193 WEST 5TH ST.

Post-it™ Fax Note 7671	Date 29/7/96	# of pages ▶ 1
To Nancy Drapeau	From A. Tomlin	
Co./Dept.	Co.	
Phone # 3935	Phone # 4144	
Fax # 2764	Fax #	

Mr. Len King
Building Commissioner
Department of Buildings
City Hall

Attention: Nancy Drapeau

Dear Sir:

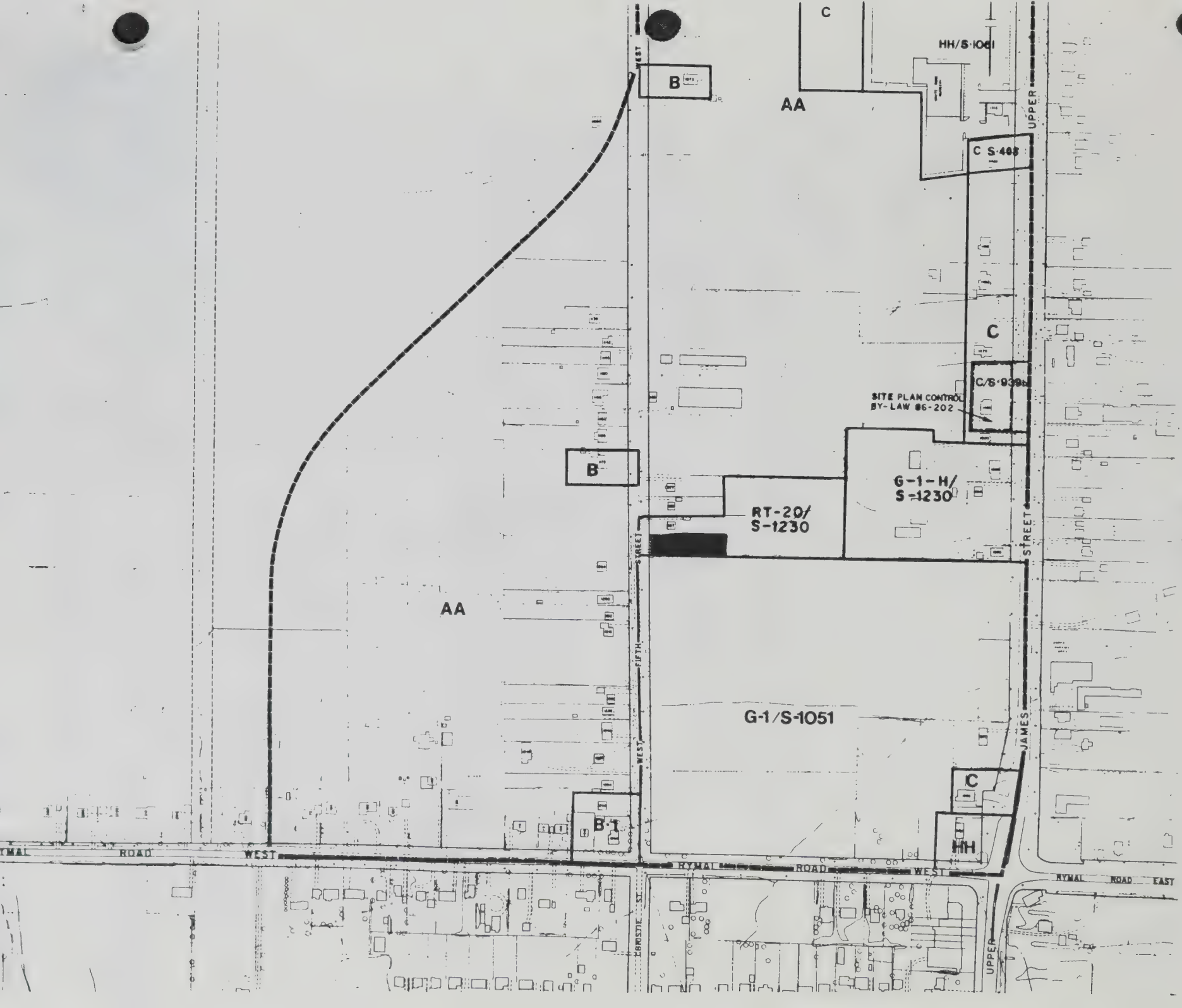
SUBJECT: Application No: H-86-92
Applicant: Giovanni Fortino (in Trust)
Premises: Part of Lot 15, Con. 8
City of (Barton) Hamilton

Please be advised that the conditions imposed by the Land Division Committee in the above-noted application has been complied with.

Yours truly,

Guy Paparella, M.C.I.P., R.P.P.
Secretary-Treasurer

GP/as



SUBJECT PROPERTY
1193 WEST 5TH

8

CITY OF HAMILTON

- RECOMMENDATION -

SEP 0 9 1996

DATE: 1996 September 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. Pavelka, P.Eng
Chief Administrative Officer

L.C. King, P.Eng
Building Commissioner

SUBJECT: Downtown Revitalization
Hamilton Downtown Convert/Renovate-to-Rent Loan Program
(96.2.4.2.1.A, 96.2.15)

RECOMMENDATION:

(a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement a Downtown Convert/Renovate-to-Rent Loan Program (as generally outlined in attached Appendix "A") to provide interest free loans to owners of commercial properties located within the downtown core (described in attached Appendix "B"), for conversions of vacant upper floor non-residential premises into apartments or renovations to existing apartments in commercial buildings to bring them in compliance with the Property Standards By-law and Fire Code; and,

(b) That this Loan Program be approved conditional upon:

(i) approval by the Planning and Development Committee and Council of:

(1) a by-law to designate as a Community Improvement Project Area pursuant to the Planning Act, (s. 28), that portion of the downtown outlined in the attached Appendix "B"; and,

(2) a by-law to adopt a Community Improvement Plan for the said designated area to provide for the Downtown Convert/Renovate-to-Rent Loan Program (as generally outlined in attached Appendix "A"); and,

.../2

(ii) approval of the Minister of Municipal Affairs and Housing to the said two by-laws and to the City's exercise of its authority and power under the community improvement provisions of the Planning Act for the purpose of carrying out the said Plan; and,

(iii) the initial capital funding of $180,000 from the City being approved by Council upon the recommendation of the Finance and Administration Committee; and,

(c) That the Regional Municipality of Hamilton-Wentworth, pursuant to the Regional mandate to encourage economic development within the Region, be requested to make this Loan Program a joint community improvement/economic development project by matching the City's $180,000 such that the total loan Capital available for the Downtown Convert/Renovate-to-Rent Loan Program project shall be $360,000; and,

(d) That the City Solicitor be authorized to prepare the said two by-laws for presentation to Council; and,

(e) That staff be authorized and directed to:

(i) in preparation for adoption of the Community Improvement Plan by by-law, as required by the Planning Act, prepare and submit the proposed Community Improvement Plan (including the terms of the Downtown Convert/Renovate-to-Rent Loan Program outlined in Appendix "A") to Council and hold a public meeting to receive citizen input; and,

(ii) prepare the proposed by-law schedule in accordance with attached Appendix "B" to define the downtown area to be designated by by-law as a new Community Improvement Area pursuant to the community improvement provisions of the Planning Act (sec. 28); and,

(iii) apply to the Minister of Municipal Affairs and Housing for the approvals referred to in paragraph (b)(ii) above; and,

(f) That the Building Department, Housing and Loans Division, administer the Downtown Convert/Renovate-to-Rent Loan Program after the said conditions have been fulfilled.

.../3

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: A capital contribution of $180,000 from the City of Hamilton is being requested for this program. The ten year cost of foregone interest is estimated to be less than $80,580 while the increased assessment derived from newly created and assessed apartments is anticipated to provide, over the ten year period, tax revenue in excess of the foregone interest cost. There is a risk element to the loan program of delinquent loans.

During bad economic times past experience has shown a 14% delinquency rate while during good economic times the percentage has been 1%. A more conservative underwriting approach recommended for this program of requiring the owner to have not less than 25% equity in the appraised value of the property, including value of the alterations, will help to defend against delinquency.

Legal: In conformity with The Planning Act, Section 28, a Community Improvement Project Area (C.I.P.A.) must be designated that encompasses the target area. At the present time two C.I.P.A's exist that cover the boundaries of the Downtown Hamilton and International Village Business Improvement Areas (B.I.A.'s) only. A corresponding Community Improvement Plan or amendments to any applicable existing Plan(s) will also be necessary. The Plan or amendments will require a public meeting to present the information and gather input. The Plan or amendments will then be forwarded to City Council and ultimately to the Minister of Municipal Affairs and Housing for approval. The two by-laws identified in (b)(i) of the recommendation section of this report require Council approval and the approval of the Ministry of Municipal Affairs and Housing. Otherwise, this program will contain "bonuses" prohibited by the Municipal Act, [s.111(1)].

Although interest on arrears at 6% is to be charged, the law may prohibit the City, as lender, from collecting such interest because no interest was charged on the original loan. As a result, there may be no financial penalty to encourage borrowers to make their monthly repayments.

Staffing: The program will be administered with existing staff resources.

BACKGROUND:

Overview

At its meeting held 1996 January 15 The Greater Hamilton Downtown Community Development Corporation's Founding Board discussed the benefits of increasing housing supply within a targeted area of the downtown core and endorsed a staff idea to offer no-interest loans to owners of property who wished to convert non-residential space into apartments. Encouraging people to live in the downtown and making housing available is seen as one of the priorities of the downtown revitalization effort. It is recognized that downtown rejuvenation requires an increased

.../4

presence of people living and working in the downtown core. One of the methodologies for achieving this is to increase affordable downtown living opportunities by offering incentives to property owners to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code.

Rental income from new spaces bolsters the property owners' ability to ride out cyclical downturns in the urban retail economy, and in good times property owners can use surplus cash to upgrade their investments and consequently improve their property values.

In the case of renovations, fire and building safety together with energy efficiency and comfort is all enhanced which will make the apartments more desirable to inhabit and hence increase their value.

The retail economy benefits from the increased population which patronizes nearby stores and the regular presence of local street-wise neighbours both lowers crime rates and strengthens feelings of security because of the new "eyes and ears" on the street. Expectations of security encourage more people to visit downtown.

Municipal government benefits financially because of new assessment with no corresponding outlay of services required in built-up areas. Provision of apartments with proximity to amenities and buses will attract students and help alleviate pressures on family neighbourhoods near McMaster and Mohawk.

Due to the phenomenon of "neighbourhood effect", which drives property values (location, location, location!), property and income improvements focused in a visible concentrated area will create spin-off property improvements and help to remove blight.

Essence of Proposed Program

The Convert/Renovate-to-Rent Program will provide a zero interest loan of the lesser of eligible cost and $12,000 per apartment unit up to a maximum of $48,000 per deeded property. The purpose of the loan is to provide incentive financial assistance to commercial property owners who will be encouraged to convert vacant upper floor non-residential space into apartments and renovate existing apartments to bring them into compliance with the Property Standards By-law and Fire Code.

Where Will the Program Apply?

While the Program is to apply within a proposed new Community Improvement Area known as the Downtown Core bounded by Queen, Cannon, Hunter and Victoria, it will be target marketed in its first year to commercial properties on King Street East from James to Wellington.

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Who and What is Eligible for Program Funding?

Owners of commercial property with no tax arrears are eligible. Intensification of existing residential buildings by duplexing or triplexing is not eligible. Reasonable hard and soft costs including design, legal, appraisal, construction, labour, and materials are eligible. Owners "sweat equity" is not eligible. Properties to be funded must comply with the zoning by-law and must be on the second floor or above of commercial/residential buildings .

Who Will Administer the Program and How?

The Program will be administered by the Housing and Loans Division, Building Department by existing staff resources at no additional cost. Program reporting as well as loan approvals will occur along the route of Planning and Development Committee and Council, as in other loan programs. Program procedures, processes, and details will be developed and implemented by staff acting reasonably and in the best interest of both the City and the Program goals.

Loan Security and Equity

In addition to a promissory note executed by the applicant, the City will require, at the discretion of Planning and Development Committee, either a lien or a mortgage to be registered on title. Alternate security may also be requested in the form of a collateral mortgage on other property of the applicant.

The applicant must satisfy the City of the existence of equity of no less than 25% of the appraised value of the property, including the alterations to be financed.

Program Costs

As previously stated, the program will be administered with existing staff resources. The primary cost of the program, then, is the opportunity cost of the zero interest loans - the foregone interest. The ten year cost of foregone interest at 8% per annum on $180,000 is $80,580.

Cost/Revenue Neutrality

Juxtaposed against the foregone interest cost is the increased assessment revenue derived from newly assessed apartments. It is estimated that each new apartment will generate approximately over $700 per year in increased tax revenue.

Program Benefits

- Increased supply of affordable residences in the downtown core which has a declining vacancy rate now at 1.7%;

.../6

- Increased fire safety, health, and housing quality of existing apartments brought into compliance with the Property Standards By-law and Fire Code;

- Increased income to tax paying property owners and increased property values, spurring further investments in the downtown core;

- Job creation for small construction firms. A $180,000 expenditure would provide approximately 2,000 person days of direct and spin-off employment;

- Increased number of people living downtown, with all its attendant benefits such as increased shopping, security, and community.

The proposed Hamilton Downtown Convert/Renovate-to-Rent Program is not a panacea for all the ails of downtown Hamilton. It is one small program, analogous to one small step on a long journey. By taking this step and implementing the program, the City of Hamilton will be cost effectively demonstrating that downtown partnerships with the private sector is the way forward toward a revitalized downtown.

JP/MM/dc

c.c. A. Ross
V. Abraham
D. Lobo
P. Noé Johnson
Mark Mascarenhas
Michael Fenn, CAO Region

APPENDIX "A" OF RECOMMENDATION

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

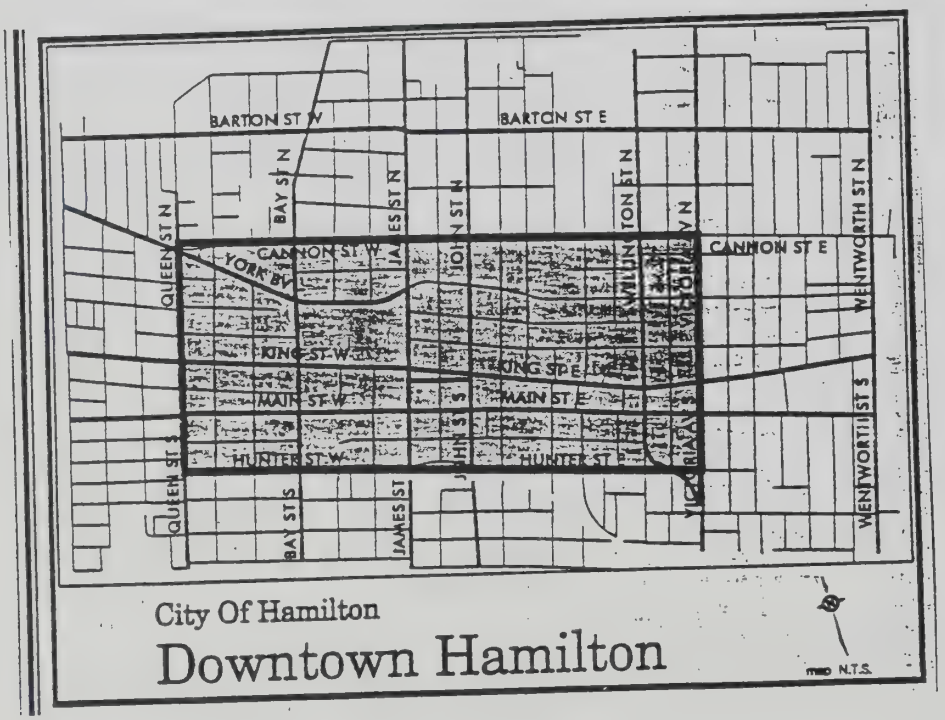
(a)	Lender:	The Corporation of the City of Hamilton
(b)	Duration of loan program:	Until terminated by Council
(c)	Initial loan Capital: Additional loan Capital:	$180,000 - City funds $180,000 - Region funds
(d)	Loan Interest rate:	Zero interest
	Interest on arrears:	6% per annum compounded annually
(e)	Maximum loan term:	Ten years (subject to prior termination on default) Principal repayable in monthly amounts over 120 months
(f)	Maximum Loan:	The lesser of cost or $12,000 per apartment unit with a maximum of $48,000 loan per property;
(g)	Purpose of Loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings;
(h)	Security:	Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
(i)	Minimum Equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed;
(j)	Realty taxes:	In good standing at all times
(k)	Eligible Costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
(l)	Sale or refinancing of property:	Loan due in full;
(m)	Revolving Loan Account:	Loan repayments to be credited to loan program account for re-lending;

(n) Except as provided above, subject to City's usual lending criteria.

APPENDIX "B" of RECOMMENDATION

Proposed Area for Hamilton Downtown Convert/Renovate-to-Rent Program

All commercial properties inside the boundary of Queen Street, Cannon Street, Victoria Avenue, and Hunter Street as identified on the following map:



9.

CITY OF HAMILTON

- RECOMMENDATION - 4:10

SEP 1 1 1996

DATE: 1996 September 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. G. Pavelka, P. Eng.
Chief Administrative Officer

D. W. Vyce
Director of Property

SUBJECT: Option to Purchase from Canadian National Railway Company - Lands Abutting Ferguson Avenue
CN PIN Numbers 40835 and 40708

RECOMMENDATION:

(a) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton; part of South Street between Cathcart and Ferguson Avenue, on Registered Plan 89, part of Lane north of Murray Street, part of Lots 132 and 134 and all of Lot 133 on Registered Plan 287; part of Lane south of Murray Street and part of Lots 112, 121, 122, 123, 124, 125 and 126 on Registered Plan 287, comprising in total an area of .36 hectares (0.9 acres) more or less, all shown as Parts 1, 4 and 5 on Plan 62R-12423, identified as CN PIN Number 40835, be approved and completed and the purchase price of $3,112.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,

(b) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton, part of Elgin Street (now closed), part of lane adjoining Lots 87 and 88 on

Registered Plan Number 287, part of Lot 88 on Registered Plan Number 287, part of Murray Street (now closed), having a frontage of 119.091 metres (390.71 feet) more or less, along the western limit of Ferguson Avenue, comprising an area of .40 hectares (1.0 acre) more or less, all shown as Part 1 on Plan 62R-13522, identified as CN PIN Number 40708, be approved and completed and the purchase price of $3,162.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,

(c) That as consideration in the amount of $2.00 has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient monies are available in Central Beasley Account No. CF 5698 429102003 (Central Beasley). The recommendation concerning the subject lands allocated $4,000 toward the purchases. This estimate was incorrect. The purchase price in total is $6,275 for the two properties.

BACKGROUND:

City Council at it's 1996 August 27 meeting approved Item 11 of the 13th Report of the Planning and Development Committee authorizing the Property Department to negotiate the purchase of the subject lands on an "as is" basis and budgeted $4,000 towards the purchases. Sales representatives for CN requested a nominal compensation of 50% of the costs of environmental reports on the properties and 100% of CN's legal fees. The total actual fees to be paid are in fact $6,275.

The parcels of land that are presently for sale by the CN, specifically parcel numbers 40708 and 40835 (identified on the site plan attached as Schedule "A" and amount to 1.89 acres in total), are of significant interest to the City of Hamilton since they form part of the implementation of the Ferguson Avenue Master Plan. The Ferguson Avenue Master Plan creates a continuous link from the Escarpment to the Bay with emphasis on pedestrians and cyclists.

One of the physical impediments to the continuous link is the Public Works and Traffic Department's salt dome. The Ferguson Avenue Master Plan identifies the easterly shifting of the salt dome to the Public Works and Traffic Department's yard that presently directly abuts the salt dome. The Master Plan also identifies the area of land to the west of the salt dome as future green space.

At the present time, the Ferguson Avenue Master Plan is not included within the Corporation's Ten Year Capital Budget Forecast. However, it would be a detriment to the entire Ferguson Avenue Master Plan if the City did not seize this opportunity to acquire the parcels of land presently offered by the CN.

Upon review of the environmental reports on the subject lands, staff from the Public Works and Traffic Department are confident that the land can be developed at a marginal cost given the contaminates identified in the reports and the proposed future use of the land. For the information of the Committee M.M. Dillon Limited was retained by CN Real Estate Management to conduct a Phase 1 Environmental Site Assessment of parcels 40708 and 40835. M.M. Dillon's conclusion of the lands are quoted below:

Parcel 40708

"Based on the information reviewed as part of this Phase 1 Environmental Site Assessment there was no evidence of significant environmental contamination associated with PIN 40708.

Historic storage of material on the site and operation of adjacent industrial facilities may have caused environmental problems. However, previous subsurface testing at the site by Trow indicated that these activities have not caused significant environmental impacts at the site. Elevated concentrations of sodium and chloride were identified in groundwater, likely due to runoff from the salt storage area on an adjacent property.

The black staining observed during the site visit may have been from the spilling or dumping of small quantities of material. The subsurface impact of the staining is unknown but does not appear to be extensive".

Parcel 40835

"Based on the information reviewed as part of the Phase 1 Environmental Site assessment there is evidence of environmental contamination associated with PIN 40835.

Historic filling, storage of materials on the site and operation of adjacent industrial facilities may have caused environmental problems. Previous sub-surface testing at the site by ECG indicated that these activities have impacted the soil at the site. Exceedances of MOEE criteria of lead, beryllium, SAR and EC in soil were identified during the previous Phase II Environmental Site Assessment. Groundwater quality was not identified as a significant environmental concern in the previous Phase II ESA.

Elevated concentrations of sodium and chloride were identified in groundwater, likely due to runoff from the salt storage area on an adjacent property.

The black staining observed during the site visit may have been from the spilling or dumping of small quantities of material on the site. The oily "sheen" was observed to originate from the adjacent City of Hamilton work yard. The subsurface impact of the staining and sheen is unknown but does not appear to be extensive".

VDP/hew

c.c. P. Noé Johnson, City Solicitor
Attention: D. Powers

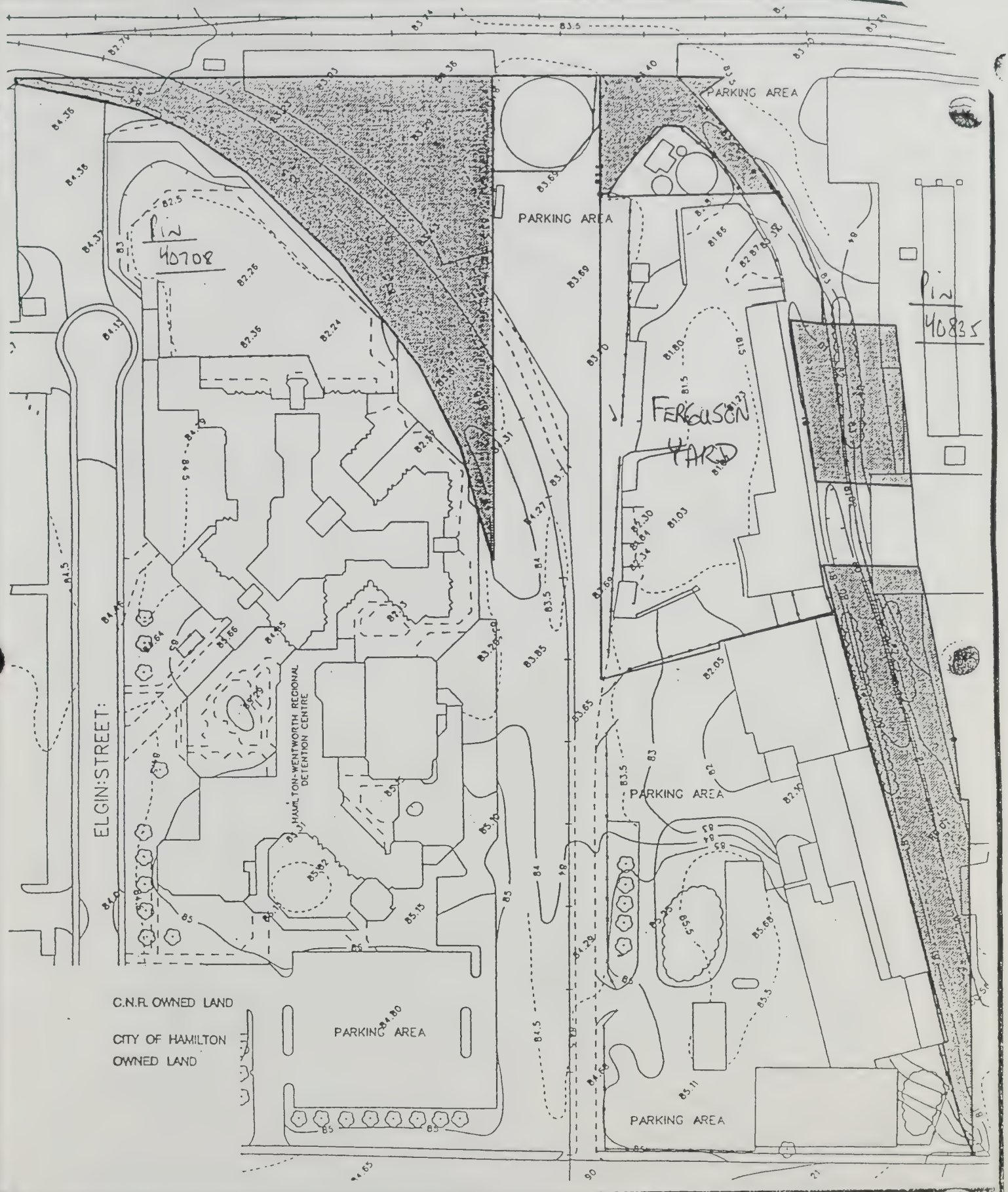
Allan C. Ross, Treasurer

V.J. Abraham, M.C.I.P., Director, Local Planning Division

C. Bandurka, Property Clerk, Surveys, Roads Department

H. Milsome, Co-ordinator of Community Renewal
Public Works & Traffic Department

SCHEDULE "A"



City of HAMILTON

Project FERGUSON AVENUE

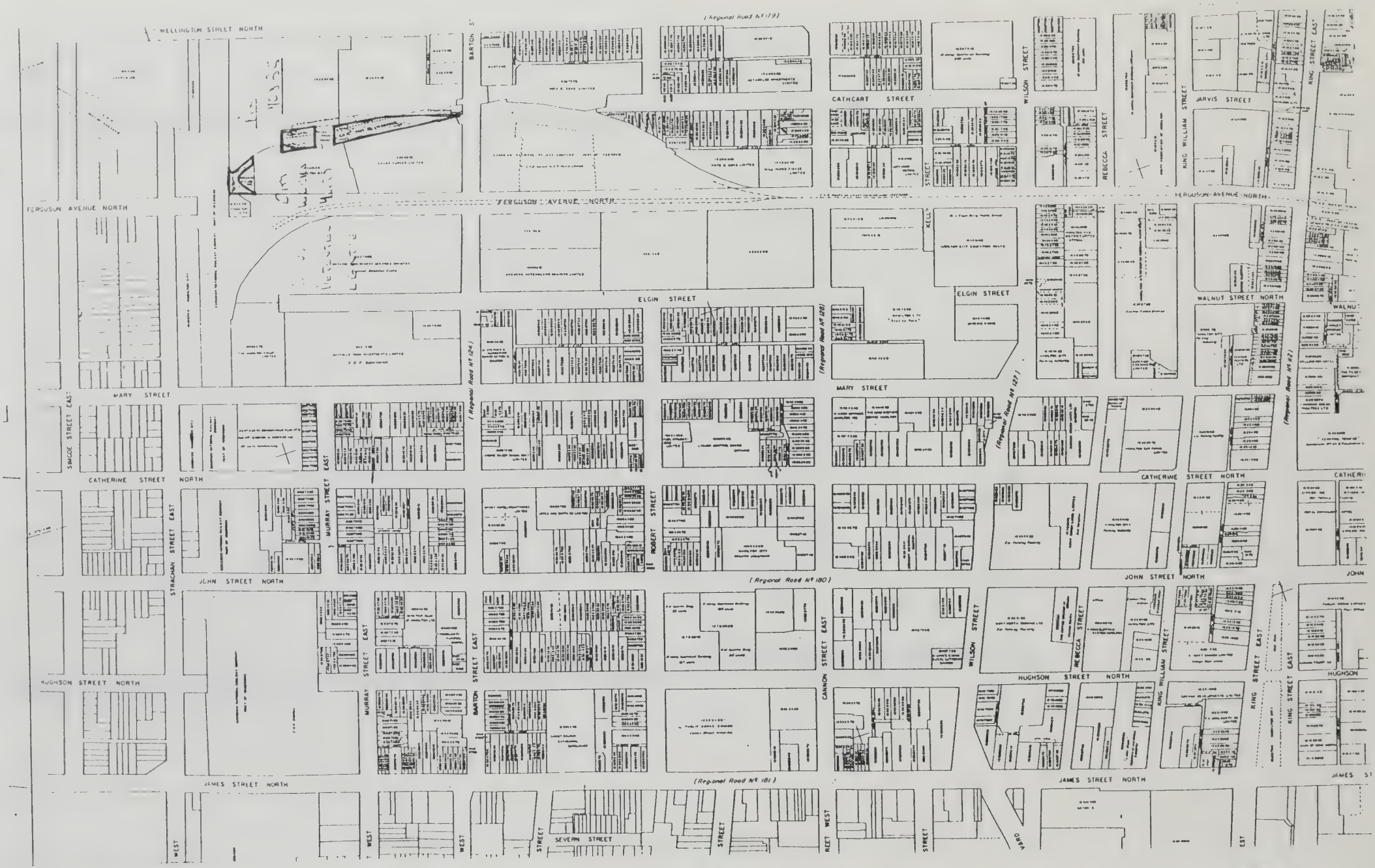
Title Land Acquisition From C.N. Rail

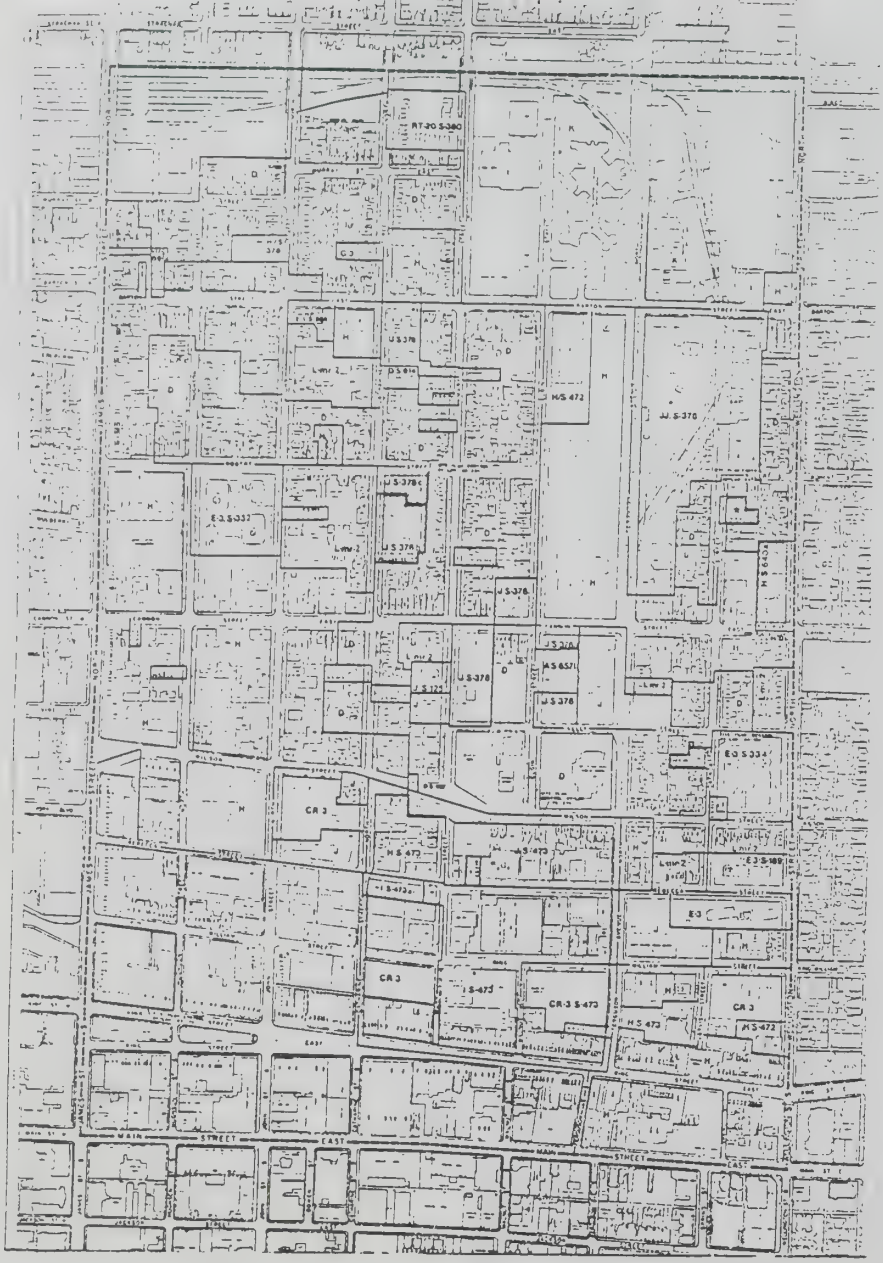
Date July 16, [illegible]

Scale N.T.S.

Dwg. No.

SIMCOE STREET EAST
STRACHAN STREET EAST
MURRAY STREET EAST
BARTON STREET EAST
(Regional Road Nº 124)
ROBERT STREET
CANNON STREET EAST
(Regional Road Nº 20)
(Regional Road Nº 128)
WILSON STREET
(Regional Road Nº 127)
REBECCA STREET
KING WILLIAM STREET
KING STREET EAST
(Regional Road Nº 82)
JAMES STREET NORTH
JOHN STREET NORTH
CATHERINE STREET NORTH
MARY STREET
ELGIN STREET
WALNUT STREET NORTH
CATHCART STREET
KELLY
HUGHSON STREET NORTH
WELLINGTON STREET NORTH
FERGUSON AVENUE NORTH
JARVIS STREET


WELLINGTON STREET NORTH
BARTON ST
(Regional Road Nº 119)
CATHCART STREET
WILSON STREET
REBECCA STREET
JARVIS STREET
KING WILLIAM STREET
KING STREET EAST
FERGUSON AVENUE NORTH
ELGIN STREET
KELLY
WALNUT STREET NORTH
MARY STREET
(Regional Road Nº 124)
(Regional Road Nº 128)
(Regional Road Nº 129)
(Regional Road Nº 121)
SIMCOE STREET EAST
CATHERINE STREET NORTH
MURRAY STREET EAST
STRACHAN STREET EAST
ROBERT STREET
JOHN STREET NORTH
(Regional Road Nº 180)
CANNON STREET EAST
HUGHSON STREET NORTH
JAMES STREET NORTH
(Regional Road Nº 181)
BARTON STREET EAST
MURRAY STREET
SEVERN STREET
WEST



107	108	89	CITY OF HAMILTON
21	10	85	BEASLEY
41	31	128	ZONING

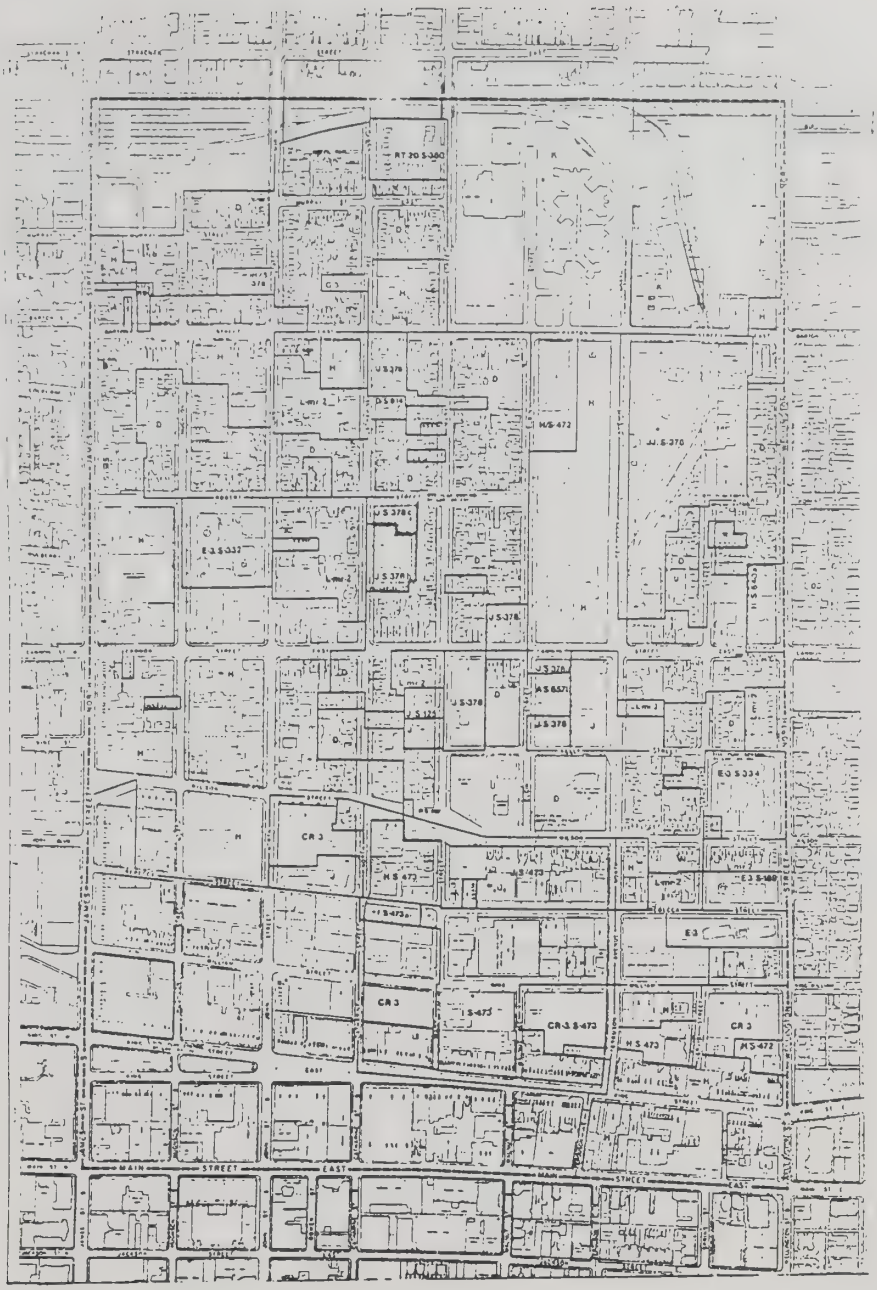
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

Neighbourhood Boundary
Zoning Boundary.

SCALE 0 50m 100m

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton-Wentworth

Planning Map No. 6703 | JUNE 1984 | Page No. 10



107 | 108 | 88 21 | 10 | 85 41 | 31 | 125 This is not a Legal Document For Zoning Verification Please Consult City Building Department.	CITY OF HAMILTON BEASLEY ZONING
Neighbourhood Boundary Zoning Boundary	0 100m SCALE 1cm
Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth	6703 JUNE 1985 10

10.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 September 18
9:30 o'clock a.m.

A. ADOPTION OF THE MINUTES

Minutes of the Meeting Held 1996 August 21

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Revised Board of Management - Concession Street Business Improvement Area (B.I.A.) - 1996-1997

C. CITY SOLICITOR

a) Repeal of Heritage Designation - 2774 King Street East.

b) Bylaw to Amend the Conveyance of Land for Park Purposes Bylaw and Other Fee Bylaws for the Downtown Area

D. BUILDING COMMISSIONER

a) Demolitions:

i) 10 Limeridge Rd W - demolition
ii) 1321 Upper Wellington St - demolition
iii) 1329 Upper Wellington St - demolition

b) 394 Barton St E - Commercial Property Improvement Loan Program

E. DIRECTOR OF PLANNING AND DEVELOPMENT

Extension of Draft Plan Approval "Ridgeview Estates Phase III" Subdivision

F. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

a) Former St. George's Church and Sunday School, 137 Strathcona Avenue North/10 Tom Street - Designation

b) Lister Block

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

1996 Wednesday, August 21 A.
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. Morrow
Alderman G. Copps
Alderman W. McCulloch
Alderman M. Caplan
Alderman F. Eisenberger
Alderman B. Charters
Alderman H. Merling

Also present: Alderman M. Kiss
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joe Lakatos, Planning and Development Department
Eugene Chajka, Transp./Env. Services Department
Len King, Building Commissioner
Willy Wong, Building Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Hazel Milsome, Public Works and Traffic Department
Tina Agnello, Secretary, Planning and Development Committee

PUBLIC MEETINGS

1. **Zoning Application 95-01 by Chambers Group, owner, for a change in zoning from "AA" District to "C" District modified for lands located at the rear of 1170 - 1180 Upper James**

Submissions were received from the following:

(a) Karen Daniels, Ministry of Citizenship, Culture and Recreation.
(b) Harper and Patricia Ronalds, 831 West 5th Street, Hamilton

Jack Robertson was present on behalf of the applicant.

As recommended in a report dated 1996 August 12 from the Director of Planning and Development Department and the Chief Administrative Officer, the Committee recommended to Council as follows:

(a) That approval be given to amended Zoning Application 95-01, Chambers Group, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - modified for Blocks "2" & "3", for lands located at the rear of 1170 - 1180 Upper James Street, shown on the attached map marked as Appendix "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the planning Act, R.S.O., 1990, to the subject lands by introducing

the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Blocks "1" & "3" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton- Wentworth and the holding provision will prohibit the development of Block "2" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth and a landscape plan has been submitted and approved by the Director of Planning and Development Department.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled; and

(ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,

(iii) That Blocks "2" & "3" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,

(iv) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

(1) That notwithstanding Section 9.(3)(ii), a side yard of a width of not less than 2.4 m shall be provided and maintained along the entire southerly lot line of Block "2"; and,

(2) That a landscape area not less than 2.4 m in width shall be provided and maintained along the entire southerly boundary of Block "2", where the lot adjoins a commercial district; and,

(3) That notwithstanding Section 9. of Zoning By-law No. 6593, only a 4.52 m planting strip, shall be permitted on Block "3"; and,

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1366, and the subject lands on Zoning District Map W-9B be notated S-1366; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(viii) That the approved Kernighan Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.

(b) That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding Block "3" of the subject lands to Schedule "A".

2. **Zoning Application 96-08, by 712169 Ontario Ltd. (Gino Malatesta), owner, for a change in zoning from "C" District to "RT-20" District, for lands located at 1232 Upper Gage Avenue.**

Submissions were received from the following:

(a) Karen Daniels, Ministry of Citizenship, Culture and Recreation
(b) Mrs. Bev Davies, 308 Rexford Drive, Hamilton
(c) Don Wilds, 1238 Upper Gage Avenue, Hamilton, L8W 1E4

The Committee was in receipt of a report from the Director of Planning and Development Department and the Chief Administrative Officer dated 1996 August 9

Paul Mallard advised the Committee that the applicant is requesting a change from single family to eight condo townhouse units. There is also an alternate plan for three small single lots. Mr. Mallard stated that there was a similar proposal submitted to the Planning Department for ten townhouse units in 1995.

This subject property has previously gone to the Land Division Committee. The rear portion is presently zoned single family residential. In the Planning Department's opinion, the development is premature pending the development of lands to the south.

Should the Committee, however, wish to approve a proposal which would facilitate future developments of land to the south, Paul Mallard suggested that consideration be given to Appendix "E" of the report, which provides for development of seven units. He stated that of all the notices circulated, two were returned in favour and 19 opposed.

Mr. Malatesta, the applicant, and Barry Clarke, his agent, were present. They stated that Appendix "E" is acceptable and hoped that the Committee accepts the proposal for a seven unit development.

Kevin Brown of 328 Rexford Drive was present. He stated that he was involved in a denial on the subject property in the fall of 1995. He stated that this rezoning is not appropriate for the property.

Bev Davies of 308 Rexford Drive was also present. She does not want townhouses in her backyard. She stated that there were already too many townhouses present in this neighbourhood and there is a lot of noise generated from these developments.

Alderman Merling stated that this issue came before the Committee 1 1/2 years ago. The total proposal was for 12 townhouses at that time and was denied. Subsequently, three single family homes were approved and erected on Rexford.

In response to a question from Alderman Merling, Paul Mallard advised that the planning concern is that the development is not consolidated with the lands to the south.

Alderman Merling stated that he would prefer to see single family dwellings but that since he has been told by Mr. David Field that the land consolidation is not fiscally viable, this is not an option. Alderman Merling maintained that if it is denied now, the development may allow for more townhouses later on, once the lands are assembled.

Alderman Copps asked about a study to be conducted on townhouses on the mountain which has never materialized. She felt that the mountain is overburdened with townhouses.

Alderman D'Amico stated that the lands were designated in 1973. The density since the first proposal was presented to the Committee has been decreased more than 40% and it is a better quality development. He also stated that the properties will not be non-profit.

As proposed in a report from the Director of Planning and Development and the Chief Administrative Officer in Appendix "E" dated 1996 August 9, the Committee recommended to Council as follows:

(a) That approval be given to amended Zoning Application 96-08, 712169 Ontario Ltd. (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified, to permit development for a maximum of seven townhouse dwelling units, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District; and,

(ii) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10E.(7)(a)(i) not more than 7 single-family dwelling units shall be permitted; and,

(2) That notwithstanding Section 18A(14g), the required parking area may be located in a required front yard; and,

(3) That notwithstanding Section 18A(25), the access driveway shall be located not less than 1.5 m from the southerly side lot line, and not less than 1.5 m from the westerly rear lot line, for a distance not to exceed 3.0 m; and,

(4) A visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire westerly rear lot line; and,

(5) Provided the adjacent lands abutting the southerly side lot line are utilized for single-family residential purposes, a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire southerly side lot line.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S-1365, and that the subject lands on Zoning District Map E-38B be notated S-1365; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38B for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(b) That the approved Randall Neighbourhood Plan be amended to redesignate the rear portion of the subject lands from "Single & Double" to "Attached Housing".

* Alderman G. Copps and Alderman H. Merling opposed.

3. **Zoning Application 96-09, from Hamilton Habitat for Humanity, owner, for a change in zoning for Block "1" from "AA" District to "R-4" District and Block "2" from "AA" District to "R-4"-'H' District for property located at 607 Queen Victoria Drive.**

A submission was received from Karen Daniels, Ministry of Citizenship, Culture and Recreation.

The Committee was in receipt of a report dated 1996 August 8 from the Director, Planning and Development Department and the Chief Administrative Officer.

Paul Mallard advised that, due to an error in the processing of the circularization it is required that the application be re-circularized.

4. **Zoning Application 95-04, by Gus and Mike Holdings Ltd., owner for a change in zoning from "AA" District to "C" District, for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street.**

A submission was received from Karen Daniels, Ministry of Citizenship, Culture and Recreation.

The applicant was present in favour of the application.

As recommended in a report dated 1996 August 2 from the Director, Planning and Development Department and the Chief Administrative Officer, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-95-04, Mike & Gus Holdings Ltd., owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject land for single family dwellings, for property located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District; and,

(b) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until

such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled; and,

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1367, and that the subject lands on Zoning District Map W-9B be notated S-1367; and,

(d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

5. **Zoning Application 95-12 and Subdivision Application No. SAC-95-92, from Ontario Realty Corporation, owner, for lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive**

Submissions were received from the following:

(a) Karen Daniels, Ministry of Citizenship, culture and Recreation.

(b) R.W. Lintott, 15 Graywood Road, Hamilton, L9C 6K3.

The applicant was present in favour of the proposal.

As recommended in a report dated 1996 August 7 from the Director, Planning and Development Department and the Chief Administrative Officer, the Committee recommended to Council as follows:

A. (a) That Subdivision Application SAC-95-02, Ontario Realty Corporation, requesting approval of a draft plan of subdivision, on lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, comprising of 22 lots for single detached dwellings, 35 lots for small lot single detached dwellings, 4 blocks for future development with adjacent lands as single detached dwellings, a block for a 0.30 m reserve, a blocks for road widening purposes, and a block to be developed with adjacent lands for a school site in, under Regional File 25T-95011, as shown on the attached map marked as Appendix "D", be approved on the following basis:

(i) That this approval apply to the plan, as revised in red, prepared by Ontario Reality Corporation and certified by B.J. Clarke, O.L.S., dated March 22, 1995, showing 22 lots for single detached dwellings (Lots 1-15 inclusive and Lots 51-57 inclusive), 35 lots for small lot single detached dwellings (Lots 16-50 inclusive), 4 blocks for future development with adjacent lands as single detached dwellings (Blocks 59-62 inclusive), a block for a 0.30 m reserve (Block 64), a block for road widening

purposes (Block 58), and a block to be developed with adjacent lands for a school site (Block 63); and,

(ii) That the Owner acquire the necessary lands to establish Street "A" to its full width of 26.0 metres; and,

(iii) That the Owner dedicate 12.0 x 12.0 metre day-light triangles between the widened limits of Stone Church Road West and Street "A" to the City of Hamilton; and,

(iv) That the Owner establish a 2.0 x 2.0 metre day-light triangle at the intersection of Greywood Road and Lot 16; and,

(v) That the Owner establish a 9.0 metre radius transitional curves at each end of the 15.0 metre radius elbow on Greywood Drive in the vicinity of Lots 7 to 11; and,

(vi) That the Owner establish Brigadoon Drive at 20.12m from the existing westerly limits of the subdivision to the westerly limits of Street "A"; and,

(vii) That the Owner establish Greywood Road at 20.12m from the westerly limits of the subdivision to Brigadoon Drive; and,

(viii) That the Owner dedicate Street "A", Street "B", the extension of Brigadoon Drive and the extension of Greywood Drive to the City of Hamilton at the time of registration of the Final Plan of Subdivision; and,

(ix) That the draft plan be revised with the daylight triangles and street radii changed to the hard metric conversions to the satisfaction of the Manager of Development, Regional Environment Department; and,

(x) That the centreline radius of Brigadoon Drive opposite Greywood Road intersection be increased to 250m; and,

(xi) That sufficient lands (Block 58) be dedicated to the Region by Certificate on the Final Plan of Subdivision, to establish the property line 15.24m from the centreline of the original Stone Church Road West road allowance; and,

(xii) That the Owner establish Court "B" to a width of 20.12m; and,

(xiii) That Street "A" be established and constructed to its full width during the first phase of development to provide arterial road access to this neighbourhood; and,

(xiv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xv) That the frontage outside the daylight triangle for Lot 1 be a minimum of 4.5m in width (3.0 m single vehicle access with side yard setback) and that access be constructed at the northern limits of the lot outside the Region's daylight triangle; and,

(xvi) That Blocks 59, 60, 61, 62 and 63 on the red-line revised plan, must be developed in conjunction with adjacent lands; and,

(xvii) That the owner agree, in writing, not to apply for building permits for Blocks 59, 60, 61, and 62 until such time as the adjoining lands are merged in title to complete the ultimate configuration of these future lots; and,

(xviii) That Block 63 be merged in title with the adjoining property; and,

(xix) That the streets be named to the satisfaction of the City of Hamilton; and,

(xx) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(xxi) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(xxii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(xxiii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(xxiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xxv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(xxvi) That the Owner enter into Subdivision Agreements with the City and Region prior to development of any portion of these lands; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95011), Ontario Realty Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision; and,

(d) That the approved Gourley Neighbourhood Plan be amended to add the public highway shown as Court "B" and that Lots "35" to "57" inclusive, on the draft plan of subdivision be redesignated from

"Attached Housing" to "Single & Double" upon Draft Plan Approval of the Plan of Subdivision.

B. That amended Zoning Application ZAC-95-12, Ontario Realty Corporation, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "2"), for lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, as shown on the attached map marked Appendix "E", be approved for the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District; and,

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1368, and that the subject lands on Zoning District Map W-17C be notated S-1368; and,

(d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,

(e) The application complies with the City of Hamilton Official Plan.

6. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Application No. SAC-95-06 (Regional File No. 25T-95007), Proposed Draft Plan of Subdivision "Westview Estates", on lands located north of Rymal Road between Garth Street and West 5th Street in the Sheldon Neighbourhood**

Paul Mallard advised that the proposal is for a 21 lot development for single family homes. There will be a temporary road access from Rymal Road while the development is being constructed.

As recommended in a report dated 1996 August 2 from the Director, Planning and Development Department and the Chief Administrative Officer, the Committee recommended to Council as follows:

(a) That approval be given to application SAC-95-06 (Regional File No. 25T-95007), Demetre Dekaneas, owner, to establish a draft plan of subdivision "Westview Estates", on lands located north of Rymal Road between Garth Street and West 5th Street in the Sheldon Neighbourhood, to be developed in two phases, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated March 22, 1995, showing 21 lots for single detached dwellings, a block for future development (Block 22),

6 blocks to be developed in conjunction with adjacent lands (Blocks 24 - 29 inclusive), a block for road widening purposes (Block 23), 2 blocks for 0.30 m reserves (Blocks 30 and 31) and to establish two public highways (Court "A" and Court "B") (see attached Appendix "F"); and,

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(viii) That the temporary road access proposed from Court "A" to Rymal Road be designed and constructed to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Regional Commissioner of Transportation; and,

(ix) That the Owner establish 0.30 metre reserves at the dead-end and open side of any road allowance within the plan of subdivision and that these reserves be transferred to the City of Hamilton upon registration of the Final Plan of Subdivision; and,

(x) That all cul-de-sacs proposed be designed with 15.0 metre radius bulbs and 9.0 metre radius transitional curves into and out of the bulb; and,

(xi) That the Owner provide a temporary storm water management pond, until the lands to the east are developed and storm sewer outlet is available. Such pond will be located on an easement conveyed to the City of Hamilton and will be maintained by the proponent until all the houses on Lots 1 to 18 inclusive are constructed and all lots sodded. At that time, a maintenance period of one (1) year will take effect. After the one (1) year maintenance period expires, the City of Hamilton will maintain the pond for a fixed fee, paid by the proponent, and to be pre-determined prior to the execution of the subdivision agreement; and,

(xii) That the Owner be responsible for the construction of a sidewalk on the east side of Court "A"; and,

(xiii) That the cul-de-sac bulb on the west side of Court "A", north of Rymal Road, must be constructed with the registration of the plan; and,

(xiv) That the lotting and street configuration for Phase 1 be included and the lands shown as Phase 2 be only shown as a block on the plan; and,

(xv) That the Owner is required to provide the City with the cash amount for removal of the temporary road access to Rymal Road, and all restoration related to the removal of this temporary access; and,

(xvi) That notification should be placed on title for Lots 1 to 21 inclusive and all the Blocks stating that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,

(xvii) That Court "A" be established as a cul-de-sac and dedicated as a public highway to the City of Hamilton on the registered plan; and,

(xviii) That the Owner establish Court "A" and Court "B" to its full 20.0m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision; and,

(xix) That the Owner agree in writing that Development of Block 22 cannot proceed until storm and sanitary sewers and watermains are existing at the limits of the block; and,

(xx) That the Owner agrees to not request a building permit on each of Lots 19 to 21 inclusive, until such time as each lot is no longer required for storm water management purposes, to the satisfaction of the Commissioner of the Regional Environment Department; and,

(xxi) That Lot 21, Block 22 and Block 29 not be registered until such time as Block 22 has direct frontage along a public highway in accordance with the requirements of the City of Hamilton Zoning By-law No. 6593; and,

(xxii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xxiii) That the Owner dedicate Block 23 for road widening purposes to the Regional Municipality of Hamilton-Wentworth; and,

(xxiv) That Blocks 24 - 29 inclusive must be developed in conjunction with the adjacent lands; and,

(xxv) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xxvi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95007), Demetre Dekaneas, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the Sheldon Neighbourhood Plan be amended in accordance with the proposed draft plan of subdivision "Westview Estates" to add Court "A" and that a notification be placed on the Neighbourhood Plan advising that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(b) Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-Thru in Conjunction with the existing Harvey's at 620 King Street West

Paul Mallard advised that there is a By-law which must go to Council on this application.

Alderman Copps stated that she is concerned with the ingress and the egress on the road and that there may be a long line-up for pickups.

Alderman Kiss advised that at the Committee of Adjustment neighbourhood residents opposed this application. She stated that it is the second most dangerous corner in the Region and therefore we need site plan control.

Alderman Eisenberger stated that the proposal has been approved through Committee of Adjustment and only the site plan is to be approved.

In response to a question from Alderman Caplan, Paul Mallard stated that the Traffic Department has stated that their concerns are satisfied.

In response to a question from Alderman Charters, Alderman Kiss advised that there were no appeals to the Committee of Adjustment's decision to approve the application.

As recommended in a report dated 1996 August 6 from the Director, Planning and Development Department and the Chief Administrative Officer, the Committee approved the following:

(a) That Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A".

(b) That approval be given to Site Plan Control Application DA-96-12 by the TDL Group LTD., lessee, for lands known as 620 King Street West, as shown on the attached map, for a Tim Hortons Double Drive-Thru in conjunction with the existing Harvey's, subject to the following:

(i) modification to the plan in relation to notes and dimensions as marked in red on the plan;

(ii) submission of a revised grading plan to the satisfaction of the Manager of Development, Regional Environment Department;

(iii) dedication to the Region of a strip of land 3.048 m in width on Dundurn Street, north of Part 1 on Reference Plan 62R-4453, for the purpose of a road widening;

(iv) clarification of the status/title of Part 8 on Reference Plan 62R-4453 to the satisfaction of the Manager of Development, Regional Environment Department; and further,

(v) submission of a revised site plan and landscape plan to the satisfaction of the Director of Planning.

NOTE: Direction regarding the drafting and approval of a By-law for this Site Plan is to be forwarded to Council

* Alderman Copps opposed.

(c) (i) **Comments on "Tenant Protection Legislation - New Directions for Discussion**

(ii) **Delegation: Judith McNeil and Andrea Horwath, Social Housing & Access Committee**

Bill Janssen briefly explained the report to the Committee members. He stated that in January, the Ministry of Municipal Affairs and Housing released a discussion paper and requested comments by August 30 on it.

He stated that there are four major areas of concern:

Rent control
Maintenance
Security of tenure and conversions
Care homes

He stated that in terms of rentals there will be three existing systems:

The existing tenants
The changing tenants

New buildings

With regard to the negotiation process, he said that discrimination will be difficult to detect because of the three different systems for rents.

The Province is also proposing that municipal protections disappear in terms of the ability of Council to consider macro or micro vacancy rates, and with regard to options for legal appeals to decisions of landlords.

Judith McNeil and Andrea Horwath of the Social Housing and Access Committee were present.

Ms. McNeil distributed SHAC proposals to the Committee. She stated that some tenants may not be able to afford their own homes and others may want to remain renters of their own free will. She stated that the removal of rental controls would not necessarily stimulate building in the economy. She stated that tenant protection relies on the courts and that under this legislation the disputes are taken out of the court system and into the mediation setting.

She asked Council to adopt the resolution found on page 2 of the SHAC submission.

Alderman Copps stated that owners of Second Level Lodging Homes, which are Care Homes, will have the right to put someone who is placed there into another home.

Alderman McCulloch suggested an amendment that the resolution proposed by the Social Housing and Access Committee be approved in addition to the City's recommendation as an acceptable fall back. The amendment to add a preamble section as proposed by SHAC was approved by the Committee.

Subsequent to this, the recommendation of the Director of Planning and Development and the Chief Administrative Officer dated 1996 August 14 was approved as amended and forwarded to Council as follows:

A. That the City of Hamilton call upon the Provincial Government to leave in place the Rent Control Act, the Rental Housing Protection Act and the Landlord and Tenant Act.

B. But should the Province find it necessary to change the aforementioned pieces of legislation that the Minister of Municipal Affairs and Housing be advised that:

   (a) the City of Hamilton request that the Rent Control components of the proposed Tenant Protection Package not be enacted until such time that amendments be undertaken to ensure:

      (i) an increase in the production of private affordable rental units; and,

(ii) a reduction in the amount of bureaucracy, red tape and confusion associated with the establishment of three separate rent control mechanisms (existing system, negotiated system for new tenants and no regulation for new buildings); and,

(iii) potential tenants are protected from discrimination during the negotiation period (eg. race, sex, income, etc.); and,

(b) more detailed consultation with municipal building officials across Ontario is required in regard to the proposed legislative changes on property standards and maintenance; and,

(c) the local municipality retain control of condominium conversions. If the Province is to proceed, the following additional requirements should be included:

(i) a period of not less than 2 years be given for extended tenure for existing tenants in condominium conversion proposals; and,

(ii) a majority of the existing tenants must support the condominium conversion; and,

(iii) the local vacancy rate be at a minimum of 2% as established by CMHC; and,

(d) any legislative changes affecting care homes should be done with due diligence recognizing the vulnerability of the tenants in these homes and further consultation with providers, tenants and agencies; and,

(e) that a copy of this report be forwarded to the Minister of Municipal Affairs and Housing to assist in the review of Tenant Protection Legislative changes.

7. **BUILDING COMMISSIONER**

(a) **33 Clifford Street - Demolition**

The Committee was in receipt of a report from the Building Commissioner dated 1996 July 30.

Alderman Kiss advised that this application was originally tabled. She explained that the original house is present and a new house has been built contrary to the By-law and now they have been linked. The Building Department now requires some type of demolition because they have built beyond the square footage area allowable on this lot. She read from an advertisement posted at McMaster University for 33 Clifford Street as a two-family home for 15 people.

Len King advised that the applicant applied for an addition and complied. However the addition was built larger than the plans, in excess of what the By-

law permits. Therefore the owner submitted another application for demolition for the original building to bring the square footage on the lot into compliance. He stated that there are presently two homes on the site.

Mayor Morrow stated that he has fought hard to ensure neighbourhood stability in this area. He has suggested that the applicant come in to see him to sort things out. He stated that he will not support any more "monster" homes in the west end neighbourhoods and that the door is open for everyone to come to some type of solution to this problem.

Alderman Copps stated that in Ottawa an apartment building was built contrary to the building regulations and was ordered to be taken down. This application will set a major precedent if it is permitted to proceed on its course since the applicant is doing an "end run" of the system. She stated that the unauthorized addition, not the existing building must be dealt with. She reiterated that Building Department staff stated that when the application was tabled earlier this year the applicant would not wait for a final decision and applied for a new building permit.

In response to a question from Alderman McCulloch, Len King stated that the applicants have the right of writ of mandemus or appeal to the O.M.B. if they are not happy with the decision.

Alderman Drury stated that the applicant chose to ignore the laws and built without a building permit; that they knowingly built beyond what they were allowed to build; and, that they should tear down part of the new building in order to be in compliance. He stated that a similar decision of the City of Ottawa was appealed and the O.M.B. supported the City's decision.

A motion was placed on the floor to hear the applicant speak and was lost.

Alderman Copps read an advertisement which was posted on a public board at McMaster University for rental of 33 Clifford Street stating that it is a 7-8 bedroom dwelling with 2 kitchens, 4 baths and 4 laundries.

The amendment proposed by Alderman Drury was placed on the floor and was carried. Subsequently, the Committee approved the following recommendation and forwarded it to Council for their approval:

> That the Building Commissioner be authorized to issue a partial demolition permit for 33 Clifford Street only for the demolition of the new construction beyond the allowable building envelope in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) <u>73 Holmes Avenue</u>

The Committee was in receipt of a revised recommendation from the Building Commissioner dated 1996 August 20.

Len King advised that very recently the builder has submitted revised drawings which comply with the By-law, therefore the demolition permit is being recommended for approval. He stated that the new design has a lower roof which will make the attic not habitable.

Alderman Drury asked if there is building activity on site to which Mr. King replied that there was not. Alderman Drury asked if the development will be within the required square footage of construction on that lot, to which Mr. replied that it would.

As recommended in a report dated 1996 August 20 from the Building Commissioner, the Committee recommended to Council as follows:

> That the Building Commissioner be authorized to issue a demolition permit for 73 Holmes Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

* Alderman Caplan opposed.

8. DELEGATION

Andy Costelli, Ridge-way Contracting Limited - Request for exemption of Site Plan Agreement

Mr. Costelli was present to request an exemption for property located on the corner of Hess Street North and Windsor Street.

In response to a question from Committee members, Len King advised that a site plan gives staff control over grading, access, location of building and other pertinent features of construction. In this case, the application fee for Mr. Costelli would be approximately $1,400.

Victor Abraham has spoken with Mr. Costelli and has assured him that the application will be facilited as quickly as possible.

In response from a question from Alderman D'Amico, Mr. Abraham advised that Mr. Costelli is also required to go before the Committee of Adjustment because he does not want to provide the required number of parking spaces. Therefore Mr. Costelli needs a site plan, a Committee of Adjustment application, and following this a building permit.

Mr. Costelli advised that the purchase of the property is pending the obtaining of a building permit. He would like to start construction prior to mid-September.

Mr. King advised that the Committee of Adjustment would take 6-8 weeks and that there is a 30-day appeal period after that. He stated that there was a very slim possibility that all this can be done by the end of October.

Alderman Drury stated, and the Committee concurred, that the Committee is not prepared to waive the site plan procedure but staff will do their best to streamline the process.

Following discussion, the Committee moved that no action be taken on this matter.

9. CITY SOLICITOR

Lot Grading and Roof Leaders

As recommended in a report dated 1996 August 13 from the City Solicitor, the Committee recommended to Council as follows:

That Item 3 of the Twelfth Report of the Planning and Development Committee as adopted by City Council at its meeting held 1996 July 9, be amended as follows:

(a) That item (a)(ix) be amended by replacing the number 3 with the number 4.

(b) That the By-law amending Land Drainage By-law No. 80-245 as attached hereto and marked as Appendix "G" be enacted.

10. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Acquisition of the Canadian National Railway land abutting Ferguson Avenue

As recommended in a report dated 1996 August 1 from the Commissioner of Public Works and Traffic, the Committee recommended to Council as follows:

(a) That the City of Hamilton acquire the CNR land known as parcels 40708 and 40835, that abut Ferguson Avenue between Barton Street East and the CN rail line, at a total estimated cost of $4,000 which includes fifty percent (50%) of the cost for the environmental reports on the properties, as well as one hundred percent (100%) of CNR's legal fees; and,

(b) That the $4,000. cost be charged to the Central Beasley Account Number CF 5698 429102003; and,

(c) That the Property Department be directed to undertake the necessary steps to acquire the land.

11. CORRESPONDENCE

Anglican Church of Canada regarding Sale of St. Thomas Church, West Avenue and Main Street East, Hamilton

The Committee was in receipt of correspondence from Archdeacon Peter B. Moore, dated 1996 July 31.

Following brief discussion the Committee authorized the Mayor to get further correspondence regarding how this Church could be a potential gift to the City.

12. CONSENT AGENDA

A. Adoption of the Minutes

The minutes of the meeting held 1996 July 3 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. City Solicitor

Appeal by Hamilton Harbour Commissioners to OMB dated 1996 July 18 :

That the City agree to the request of the Hamilton Harbour Commissioners to have the OMB hearing scheduled to commence November 17th, for a 2 week period, adjourned until 1997, with a date to be set satisfactory to all parties.

C. Building Commissioner

(a) 336 East Avenue North
(b) 338 East Avenue North
(c) 150 Potruff Road North
(d) 150 Ivon Avenue

Applications for Demolition Permit dated 1996 July 13:

That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended:

(a) 336 East Avenue North
(b) 338 East Avenue North
(c) 150 Potruff Road North
(d) 150 Ivon Avenue

(e) 1187 West 5th Street - Application for Demolition Permit dated 1996 July 30:

That City Council deny a demolition permit for 1187 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(f) 1193 West 5th Street - Application for Demolition Permit dated 1996 July 30:

That City Council deny a demolition permit for 1193 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(g) Appointment of By-law for Inspectors Appointed Under the Building Code Act dated 1996 July 31:

That City Council enact an Appointment By-law attached hereto and marked as Appendix "H" to authorize the appointment of Inspectors pursuant to The Ontario Building Code Act.

D. Director of Planning and Development

(a) **Comments on Recommendations - 1995 Regional Housing Statement Update dated 1996 August 8**:

(a) That the City of Hamilton comments on the recommendations of the 1995 Regional Housing Statement Update circulated by Regional Council to the City of Hamilton on June 4, 1996, attached herewith and marked Appendix "I", be endorsed; and,

(b) That these City of Hamilton comments be forwarded to Regional Council.

(b) **Condominium Conversion Application 96-001 by Darko Vranich, Owner, 81 Charlton Avenue East, Corktown Neighbourhood dated 1996 August 2**

(a) That approval be granted to application CDM-CONV-96-001 submitted by Darko Vranich, owner, for a draft plan of condominium for property located at No. 81 Charlton Avenue East to provide for a condominium comprised of a 10 storey apartment building containing 59 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated June 21, 1996 prepared by R. Avis Surveying Inc., O.L.S.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan; and,

(bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(cc) the applicant/owner enter into an encroachment agreement with the Region for the existing armour stone retaining wall, the existing landscaping and the steps within the Charlton Avenue East road allowance. The steps must be modified to conform to the normal requirements of the Building Code; and,

(dd) the applicant/owner enter into an encroachment agreement with the City for the existing key operated control for the underground parking garage door located within the Catherine Street South road allowance and the landscaping located within the road allowance; and,

(ee) the owner modify the door to the underground parking garage on Catherine Street South since the City of Hamilton Streets By-law does not permit doors to swing out over the road allowance; and,

(ff) the applicant/owner provide written confirmation from the Forestry Division of the City of Hamilton Department of Public Works and Traffic that the landscaping within the Charlton Avenue East and Catherine Street South road allowances conform to their requirements for street planting, with respect to species, location and motorist visibility; and,

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-012); and,

(v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

E. <u>Building Commissioner and Director of Planning and Development</u>

Downtown Redevelopment Fees dated 1996 August 20:

(a) That the City Solicitor be authorized and directed to prepare an amendment to By-law 84-252 to allow land to be developed for residential purposes where land in the amount equal to 5% of the area to be developed, or cash equivalent has not been conveyed to the City when a building permit has been issued prior to 1999 September 1 for

the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue; and,

(b) That the Building Commissioner and the Director of Planning and Development Department be authorized and directed to refund application fees for any official plan amendment, zoning application, site plan application, Committee of Adjustment application, building permit, demolition permit, zoning/property report and inspection fee if a building permit is issued for the property by 1999 September 1, for the area bounded by Hunter Street, Cannon Street, Queen Street, and Victoria Avenue; and,

(c) That the Planning and Development Department be directed to undertake a City Initiative to eliminate required parking for residential development in the area defined as Area "A" on Schedule "I" of By-law 6593 and reduce to 0.5 spaces for each Class "A" dwelling unit in the Area defined as Area "B" on Schedule "I" of By-law No. 6593 attached hereto and marked as Appendix "J" for a 3 year period.

F Local Architectural Conservation Advisory Committee

Hamilton Courthouse Project - Heritage Permit Application for Alterations/Additions to Dominion Public Building dated 1996 August 12

That a Heritage Permit be approved for the following additions and alterations to the designated building at 10 John Street South, the former Dominion Public Building now the new Hamilton Courthouse, based on the Courthouse model pictured in schematic design, Vol.1, 1993 May; drawings prepared by Norr Partnership Limited Architects Engineers (dated 1995 May, 1995 September 13, 1995 October 24, 1995 November 6, 9, 10, 13 and 20 and 1996 May 10); and, the revised drawings attached hereto and marked as Appendix "K", "L" and "M":

(a) Exterior

(i) Addition of upper storeys: glazed penthouse and precast concrete mechanical housing coloured to match existing limestone; and,

(ii) New Courthouse addition on Main Street facade; and,

(iii) Upper steel windows either replaced to match the appearance of the original (1936) windows, or insulated; and,

(iv) Exterior first and second storey windows: replace glass with clear thermal panes and install new bronze glazing stops on interior; and,

(v) Stone lintels: reattach where necessary by drilling and attaching new stainless steel anchorage and finish joints with matching mortar; and,

(vi) New bronze and glass doors, on north, south and east elevations.

(b) Interior

(i) Removal of marble wall and brass wickets in the heritage lobby beneath the world mosaic to allow for a new corridor opening linking the old and new buildings; and,

(ii) Materials recovered from the new corridor opening will be reinstalled to close off the existing former Philatelic Centre opening, The new opening will be framed with bronze recovered from the "Philatelic Centre" opening; and,

(iii) The existing opening between the heritage lobby and the proposed waiting room (former location of post office boxes) will be screened by a glass partition incorporating a bronze grille frieze.

G. Secretary, Planning and Development Committee

Information Items

The Committee acknowledged the following items for information which were received under separate cover:

(a) Director of Planning: Status of Downtown Initiatives, dated 1996 July 12.

(b) Director of Planning: Site Plan Control Applications, dated 1996 June 24.

(c) Secretary, LACAC: Minutes of the meeting held 1996 June 10, dated 1996 July 17.

(d) Clerk's Office, Region of Hamilton-Wentworth: Delegation of authority from the Province to the Region under sections 28 and 29 of the Planning Act, dated 1996 July 17.

(e) Clerk's Office, Region of Hamilton-Wentworth: Amendments regarding The Land Use Planning and Protection Act, 1996 (Bill 20), dated 1996 July 17.

(f) Director of Planning: Internet Home Page, dated 1996 August 14.

(g) City Solicitor: Administrative Tribunal Update, dated 1996 August 12.

(h) Director of Planning: Site Plan Control Application, dated 1996 August 1.

13. **OTHER BUSINESS**

(a) Information report from the Director of Planning and Development regarding the Ontario Professional Planners Institute Communication Award

The Committee was in receipt of an Information Report dated 1996 August 16.

Victor Abraham advised that of 32 submissions across the Province, the City of Hamilton was successful in getting the Award. He stated that a presentation is to be made from an official of the Association to the City of Hamilton at the Council meeting to be held August 27.

(b) Alderman Caplan congratulated the Planning Department for their WEB Site on the Internet.

(c) A brief discussion ensued with regard to a question from Alderman Caplan regarding Property Standards in the City of Hamilton.

(d) The Mayor stated that there is progress being made with home builders wanting to develop residential units in the downtown core and that he will encourage the Committee to be strong in enforcing regulations with regard to beautification of parking lots.

14. **PRIVATE AND CONFIDENTIAL AGENDA - Cole vs the City of Hamilton et. al.**

Mayor Morrow, Alderman Caplan and Alderman Kiss declared an interest in the matter and left the room for the in camera session of the agenda and refrained from voting on this matter.

The Committee reconvened from the in camera session.

As recommended in a report dated 1996 August 15 from the City Solicitor, the Committee recommended to Council as follows:

> That the firm of Weir and Foulds be retained to represent all the defendants in the action brought by Mark Cole in the Statement of Claim, Court File No. 96-CU-108847, subject to a review of any potential conflict that may arise and subject to comments by the excess insurers.

15. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.

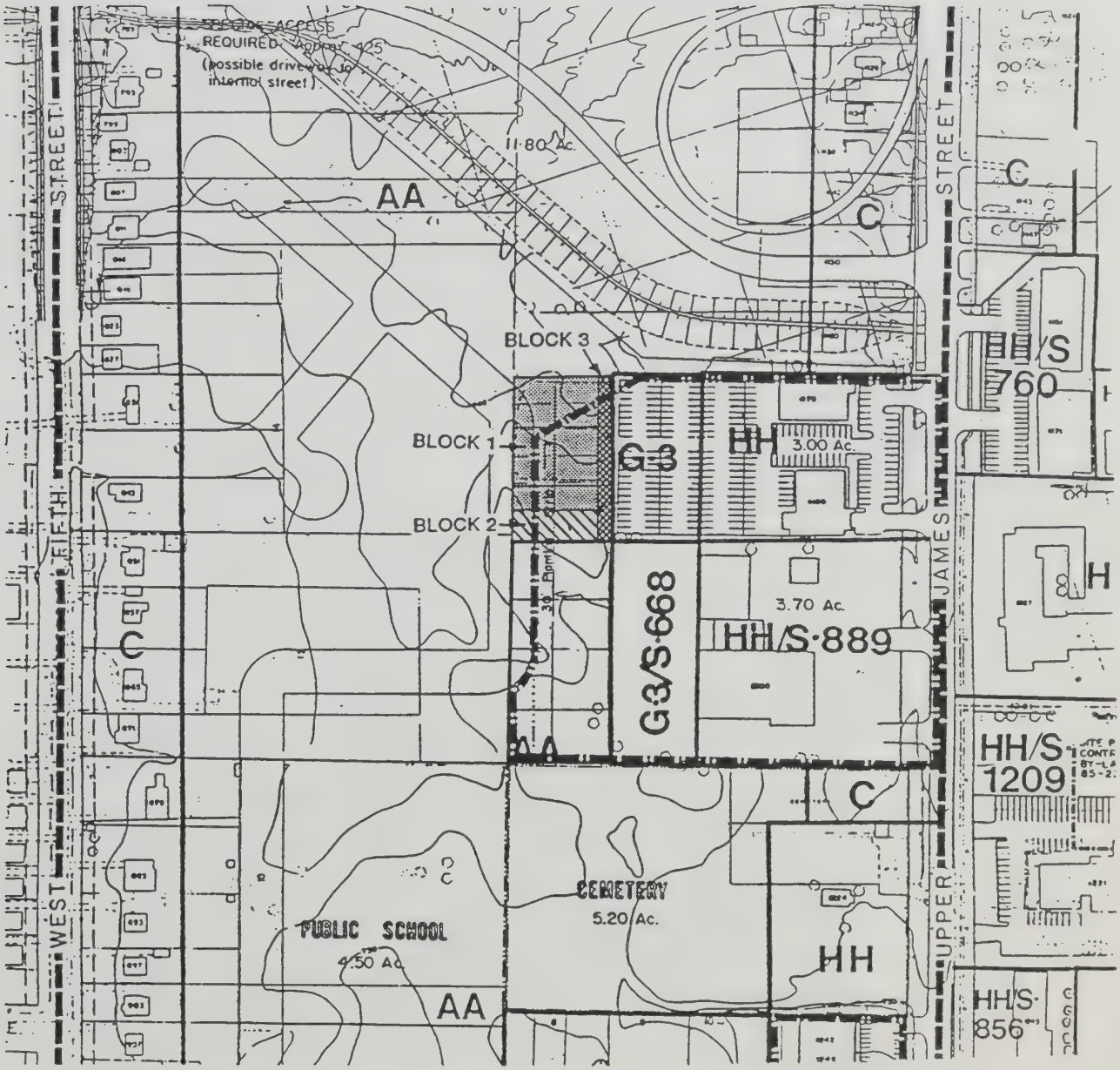
Taken as read and approved.

Alderman D. Drury
Chairperson
Planning and Development Committee

T. Agnello
Secretary

/jt

Appendix "A" referred to in Section 1 of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21



Legend

Proposed change in zoning from:

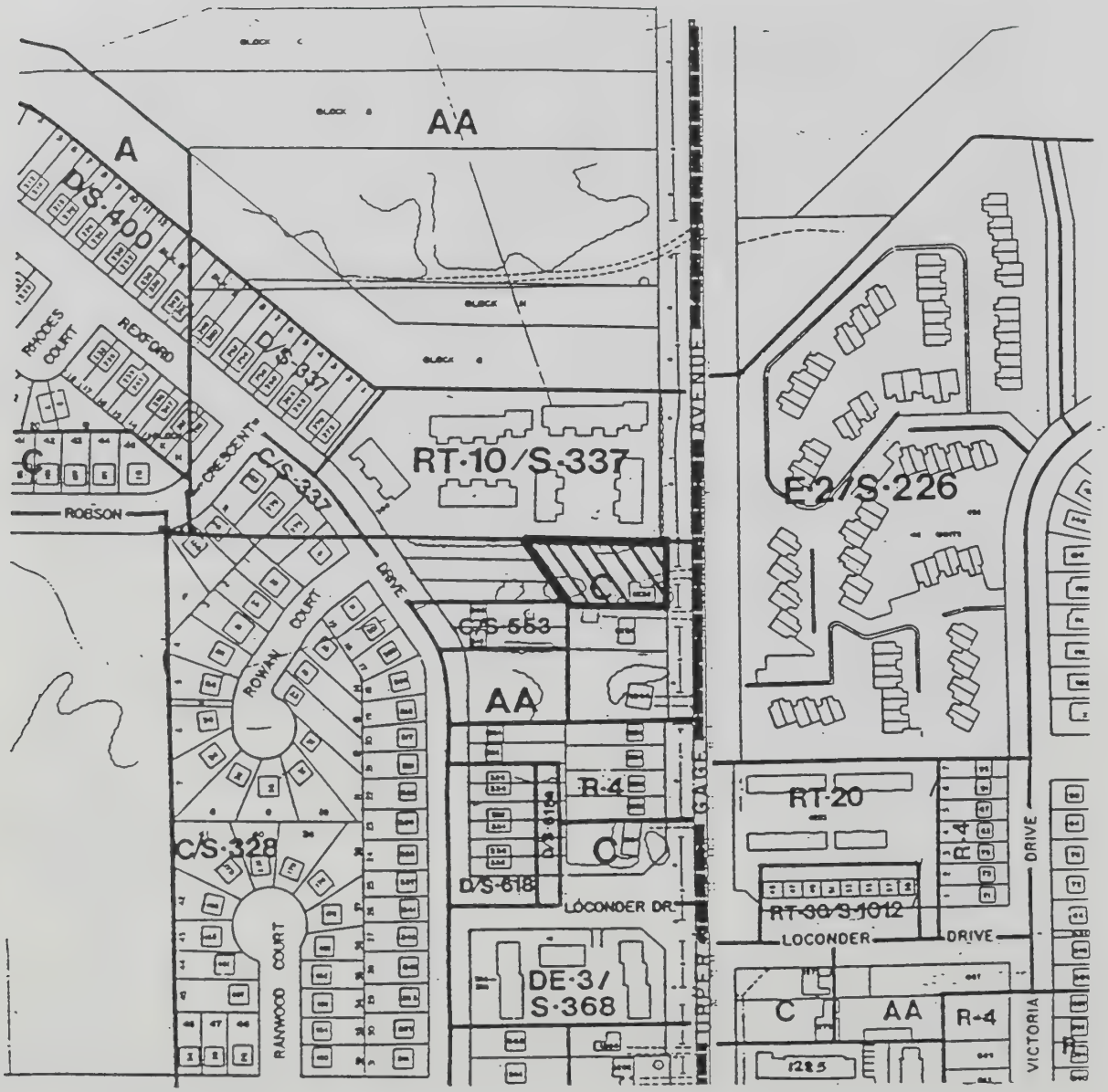
BLOCK 1 — "AA" (Agricultural) District, to "C"-'H'" (Urban Protected Residential, etc. - Holding) District.

BLOCK 2 — "AA" (Agricultural) District, to "C"-'H' (Urban Protected Residential, etc. - Holding) District, Modified

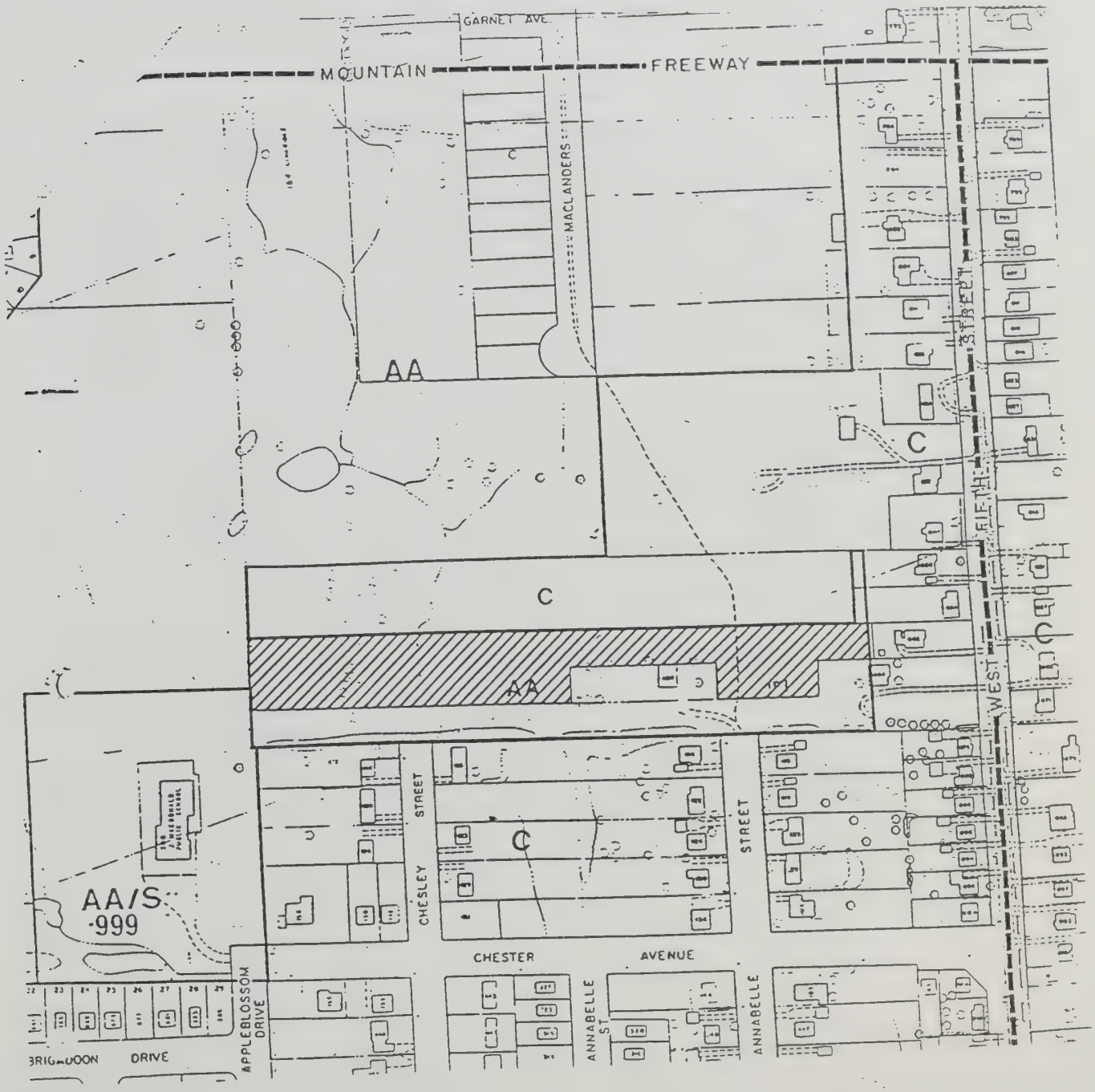
BLOCK 3 — "AA" (Agricultural) District, to "C"-'H' (Urban Protected Residential,etc. - Holding) District, Modified

ZAC-95-01

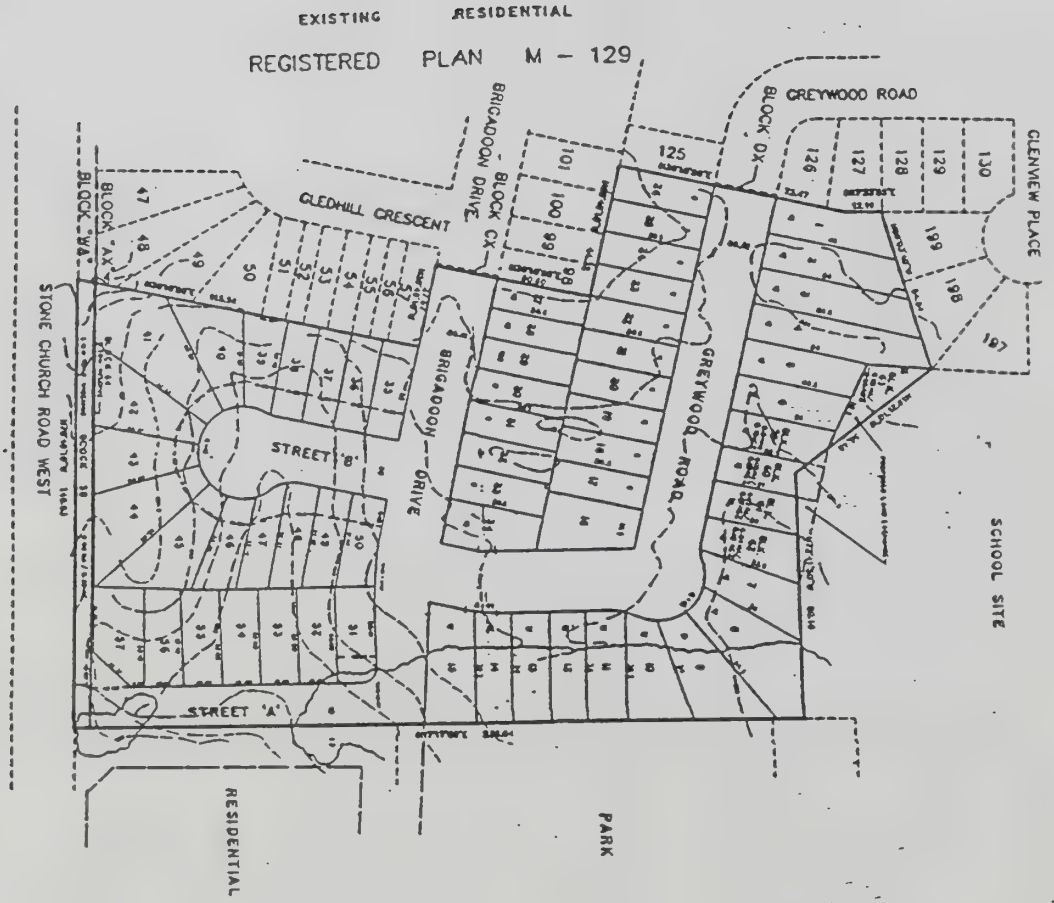
Appendix "B" referred to in Section 2 of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21

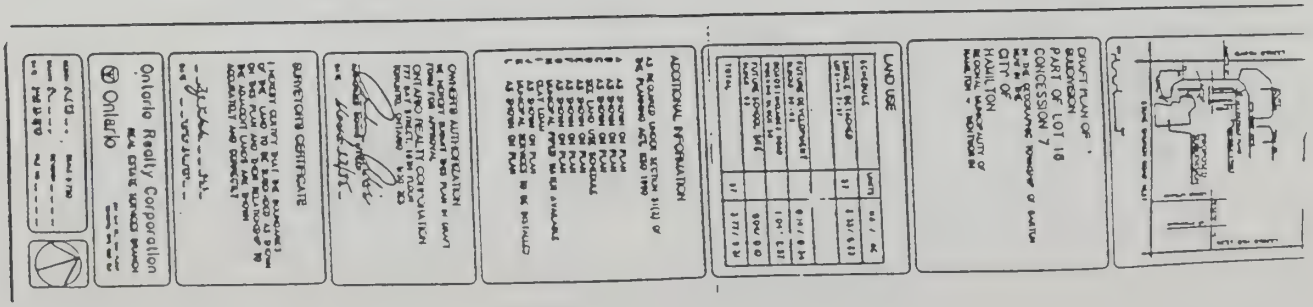


Appendix "C" referred to in Section 4 of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21

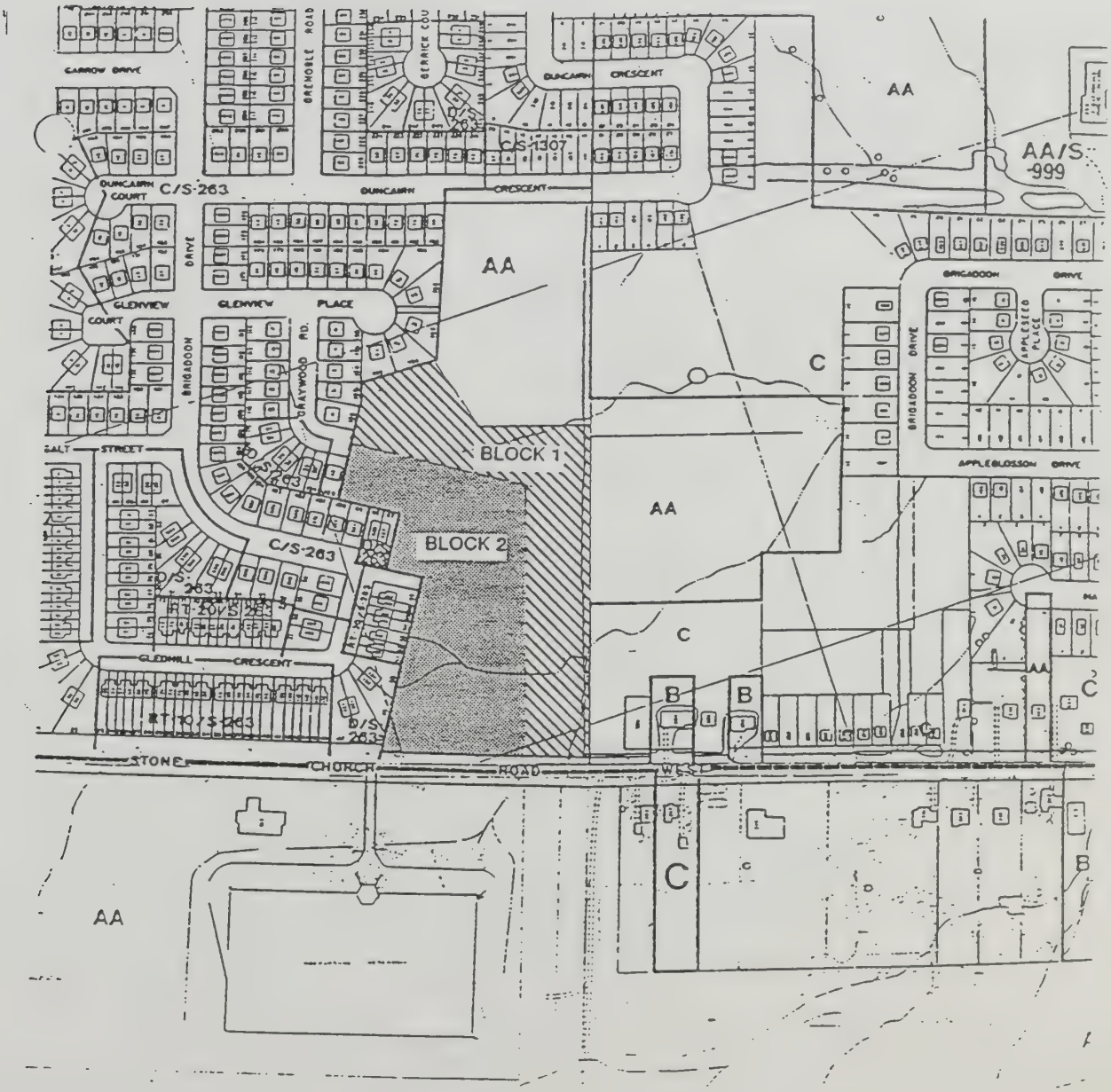


Appendix "D" referred to in Section 5A of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21





Appendix "E" referred to in Section 5B of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21



Legend

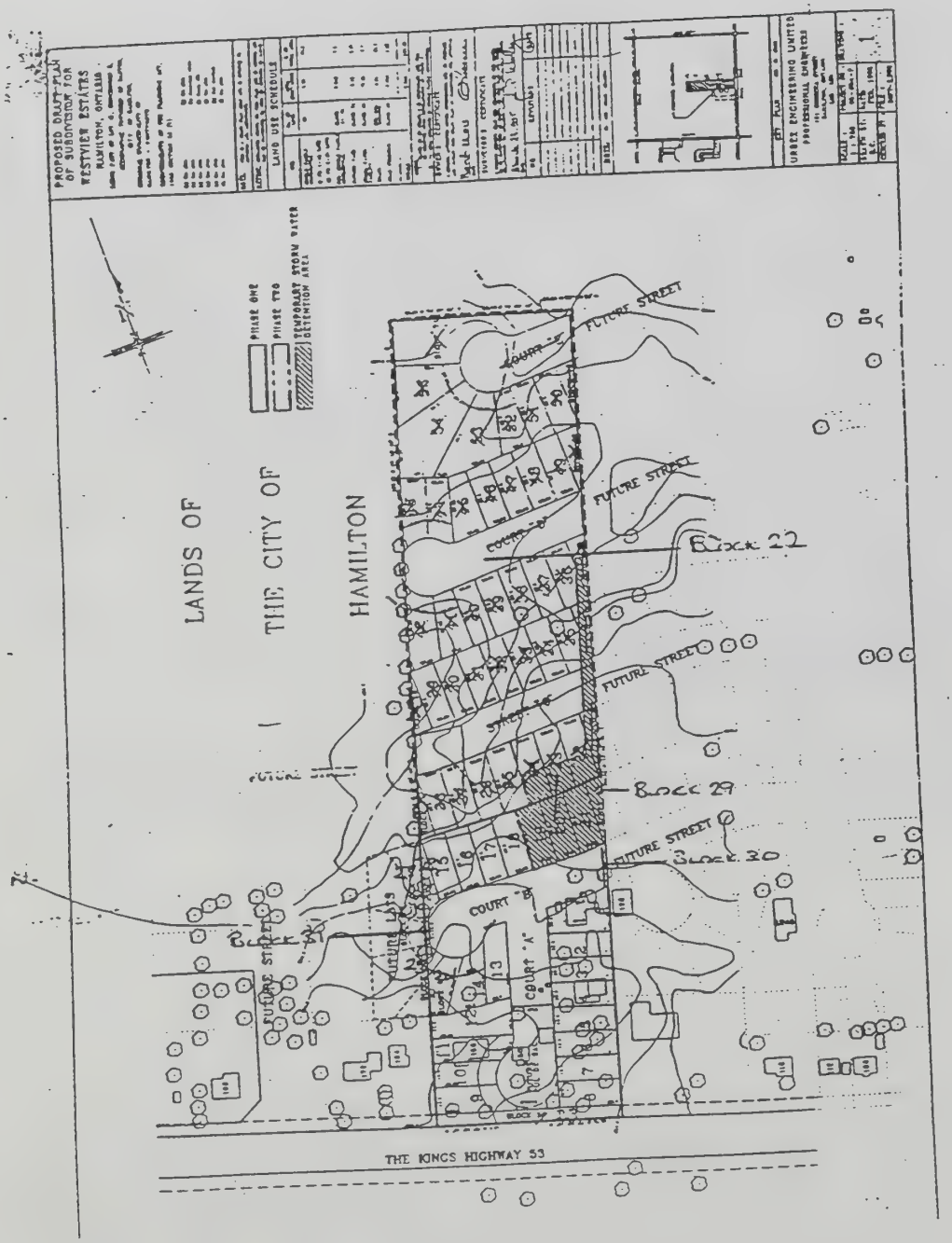
Proposed changes in zoning:

ZAC-95-12

BLOCK 1 — From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

BLOCK 2 — From "AA" (Agricultural) District to "R-4" (Small Lot Single Family), District.

Appendix "F" referred to in Section 6(a) of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21



Appendix "G" referred to in Section 9 of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law No. 80-245

Respecting:

LAND DRAINAGE

WHEREAS By-law No. 80-245 was enacted by the Council of The Corporation of the City of Hamilton on September 9, 1980, respecting land drainage;

AND WHEREAS Section 6 of By-law No. 80-245 was amended by By-laws No. 88-09, No. 88-207 and No. 93-123;

AND WHEREAS Council, on July 9, 1996, in adopting Section 3 of the 11th Report of the Planning and Development Committee authorized a further amendment to By-law No. 80-245;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

By-law No. 80-245, as amended, is amended by the addition of the following section:

"6.A. (1) Despite Section 6, roof leaders may be discharged onto the ground surface where:

(i) a site design, including a Storm Water Management Study, acceptable to the City Engineer is prepared by a Professional Engineer, and

(ii) the site design is approved by the City after June 25, 1996.

(2) Where the City approves of a Storm Water Management Study for a development which indicates roof leaders may be discharged onto the ground surface, the recommendations in the study must be implemented by the owner of the land.

(3) Where the roof leaders are not required to be connected to the storm sewer, the roof leaders shall discharge onto splash pads and then onto grassed or landscaped areas at least 0.6 metres from the building face.

(4) The roof leaders shall not discharge directly onto a sidewalk or a driveway.

(5) Where the roof leaders of a lot are not connected to storm sewer, the lot shall be sodded prior to the issuance of a lot grading certificate by the City.

(6) Subject to the Land Titles Act and the Registry Act, the lot grading plan shall be registered on title to the land being developed.

(7) Where the Subdivision Agreement includes a Lot Grading Plan, the Subdivision Agreement shall not be discharged by the City.

(8) The City Engineer shall include the Ward Aldermen in the review process for the implementation of the storm water management plan.

(9) This section only applies to the developments containing four or more lots.

PASSED this day of 1996.

CITY CLERK MAYOR

(1996) 11 R.P.D.C. 3, July 9

\BYLAW\DRAINAGE.6

Appendix "H" referred to in Section 12C(g) of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Consolidate

By-law No. 92-094, and amendments thereto

Respecting

THE APPOINTMENT OF INSPECTORS

WHEREAS Ontario Regulation 413/90 was made on 1990 July 27 and filed on 1990 July 30 in accordance with section 19 of the Building Code Act, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of Building Code Act provides that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act:

AND WHEREAS By-Law No. 78-211, passed on the 1978 July 25 and By-Law 81-224 passed on 1981 July 28, and By-Law 87-312, passed on 1987 November 10 and By-law 91-047 passed on 1991 March 12, and By-Law 92-094 passed on 1992 March 31, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments:

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-Laws 78-211, 81-224, 87-312, 91-047 and 92-094 were enacted.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:

   Leonard C. King, P. Eng.

   (b) The title of the chief building official shall be as follows:

   Building Commissioner.

2. (a) The following person is appointed an Inspector:

   Peter C. Lampman, P. Eng.

   (b) The title of the Inspector appointed under clause (a) shall be as follows:

   Deputy Building Commissioner and
   Director of Technical Services.

3. The person appointed Inspector under clause (a) of Section 2 is hereby appointed chief building official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an Inspector:

Wah-Keun Wong, P. Eng.

(b) The title of the Inspector appointed under clause (a) shall be as follows:

Manager of Customer Services

5. (a) The following persons are each appointed an Inspector:

Larry W. Harvey

Donald J. Inglis

John A. Spolnik

(b) The title of each of the Inspectors appointed under clause (a) shall be as follows:

Supervisor of Field Services.

6. The following persons are each appointed an Inspector:

Brian Baxter	Joyanne Beckett
Sylvia Bishop	Sara Bradley
George Caetano	Alison Churchill
Doug Clark	Gary Daly
Jack Dorr	Ron Doucet
Nancy Rajher-Drapeau	William Dupont
Ken Edgar	Debbie Eydt
Frank Genovese	Peter Gobbo
Natalie Gould	Christine Hey
John Ivezic	Jan Janosik
Zoran Kristo	Steve Kuczerepa
Rick Kuipers	John Lane
Wing Lee	Marianne Lyon
Morris Marsalla	Erin McClintock
Glen McCrory	Monica Melnick
Bryan Moon	Michelle Oproiu
Susan Parker	Gene Penko
Frank Peter	Tom Redmond
George Robis	Michael Shepherd
Gail Stevenson	Douglas Tam
Steve Teal	John Thomas
Sandra Tucker	Michael Verboom
George Wong	

7. By-Law No. 92-094 is hereby repealed.

PASSED this day of , 1996.

CITY CLERK MAYOR

Appendix "I" referred to in Section 12D of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21

COMMENTS ON THE RECOMMENDATIONS OF THE 1995 REGIONAL HOUSING STATEMENT UPDATE

Section A: Planning for Growth

a) *That the Region investigate the use of full cost accounting with regard to the setting of residential development charges to promote compact urban development and to ensure that urban sprawl is not being subsidized;*

A number of research studies prepared for the Golden Commission examining the future of the Greater Toronto Area noted that the "cost" of new suburban development is not fully realized in development charges levied by municipalities. The use of "full cost accounting" would ensure that the complete costs associated with new suburban development are reflected in the actual development charge and are not born by the existing taxpayers within a community - in essence "user pay". Although it is clearly premature to comment on the appropriateness of this method of calculating development charges in the City of Hamilton, the recommendation of the RHSU is to "investigate" this method. At such time the research is complete, the City will be in better position to ascertain the implications of this concept. Accordingly, the recommendation can be supported.

b) *That the Region be actively involved with the evaluation, and where appropriate the introduction, of alternative development standards (servicing requirements, road and right-of-way requirements, etc.) that could contribute to a more compact urban form and reduce municipal and housing costs;*

This recommendation can be supported. Many of the technical standards for new development that are presently in place should be reviewed to ascertain any possible inefficiencies that would reduce the cost of new development to both the City and the eventual home purchaser.

c) *That the Region continue to monitor intraprovincial-migration patterns to ascertain the ongoing impact of population and employment growth in the GTA on Hamilton-Wentworth's housing markets, and to evaluate the impact of out-migration to Haldimand-Norfolk, Niagara, and Brant;*

This recommendation can be supported. Market knowledge of migration patterns is essential to determine potential demand for housing in future years.

d) *That a housing target of 55% single and semi detached, 28% row, and 17% apartment units be adopted as a guideline for medium and long-range planning in the Region;*

Recent housing market activity in the City of Hamilton is generally consistent with the targets suggested by the Region. Over the six-year period 1990-1995, single and semi-detached housing units accounted for 47.2 percent of all dwelling units completed in the City of Hamilton. Row units accounted for 30.5 percent and apartment units accounted for 21.7 percent of all units completed.

However, this housing target fails to acknowledge the existing dwelling mix already in place within the area municipalities. Specifically, the City of Hamilton has shouldered the bulk of higher density housing constructed in Hamilton-Wentworth for the past several decades and Regional suggestions that this role continue is unacceptable. Accordingly, this recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

e) *That the Area Municipalities be encouraged to support the need for a variety and mix of housing in the Region by targeting not less than 40% of units in new construction as medium and high density (the mix of medium and high density is not prescribed);*

As of May, 1995, there were approximately 506.4 hectares of land available for residential development within the City of Hamilton, which would yield approximately 14,100 dwelling units. Of these 14,100 dwelling units, almost one-half (48.6 percent or 6,858 units) were designated for row and/or apartment uses. The City of Hamilton cannot dictate to the private marketplace the type of new housing units that "should" be built within the community. The important point is that within the City of Hamilton, an opportunity has been provided to the private marketplace to construct medium and high density dwelling forms. Moreover, the existing dwelling mix within the particular area municipality must be considered. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

f) *That the Area Municipalities be requested to require that new residential development (secondary/subdivision plans) have densities of at least 18 units per hectare (gross);*

As noted previously, the City of Hamilton cannot dictate to the marketplace the type of new housing units that "should" be built within the community. We recognize, of course, that having higher gross residential densities in new development is desirable but by "requiring" that all new residential development have a minimum density of 18 units per hectare, as the recommendation notes, is inflexible, unrealistic and unworkable. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

g) *That the Area Municipalities be requested to develop and carry out policies to implement Provincial and Regional policies regarding increased densities of new residential development, increased opportunities for intensification and infill, and opportunities for the development of affordable housing;*

Within the Region of Hamilton-Wentworth, the City of Hamilton has been second to none in terms of facilitating residential intensification opportunities and promoting lower cost "affordable" housing. In the late 1980's and early 1990's, the City undertook several detailed housing studies in response to Provincial policy initiatives which resulted in extensive changes to the Hamilton Official Plan and the Hamilton Zoning By-law.

It should be noted that the Provincial policies alluded to in the recommendation (The Comprehensive Set of Policy Statements) have since been repealed by the Provincial Government. Accordingly, this recommendation is redundant and should be deleted in light of policy changes made by the Provincial Government and the City's previous extensive work on this matter.

h) That the City of Stoney Creek be requested to prepare an additional study prior to the year 2000 Regional Official Plan review that examines the availability of vacant residential land in the designated, pending, draft approved and registered categories, as well as the status of residentially-designated lands in the Heritage Green planning area and lands zoned for high-density uses north of the QEW.

This recommendation is not applicable to the City of Hamilton.

Section B: Providing Housing for People with Low Incomes and Special Needs

i) That the Region and Area Municipalities be requested to make significant efforts to convince the Province, the District Health Council, and other relevant organizations to initiate and sustain a planning process of their own that will co-ordinate the allocation of resources to the housing and housing-related health care and support services in Hamilton-Wentworth;

This recommendation can be supported. Ensuring greater co-ordination among the various stakeholders will ensure cost effectiveness and greater resolve to address the housing and support needs of individuals and families in Hamilton-Wentworth.

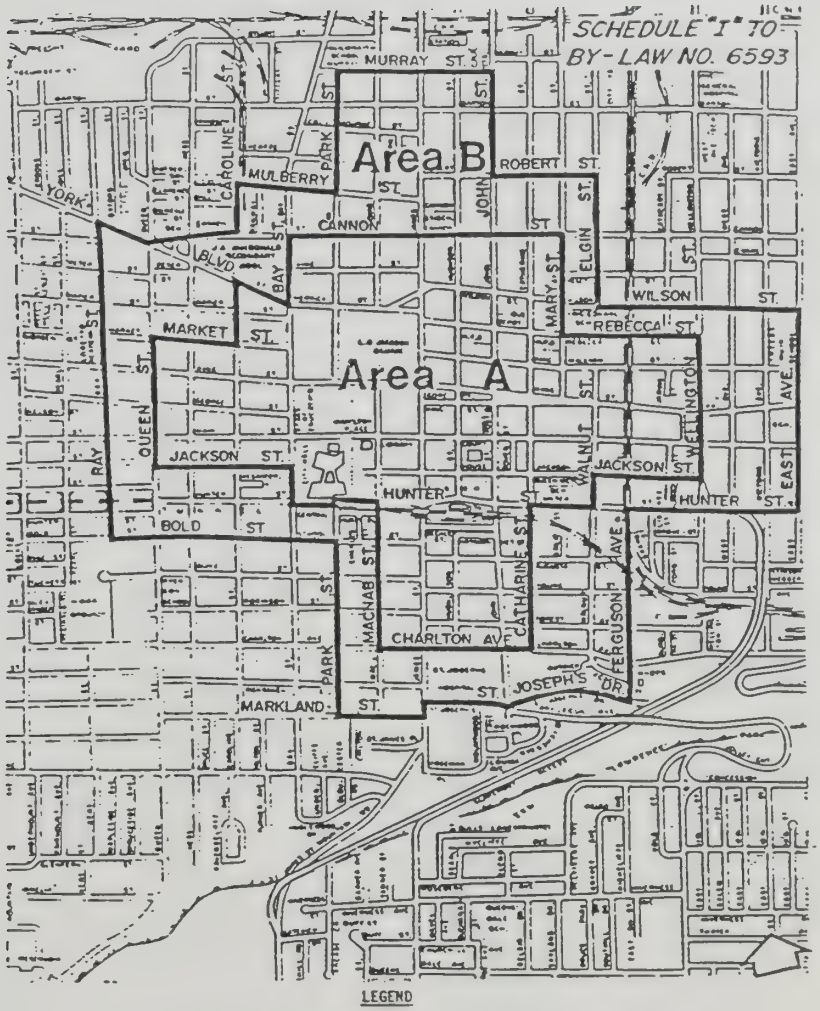
j) That the Area Municipalities be requested to co-operate to develop a strategy for developing a pool of expertise that can be used in initiating and co-ordinating community-based efforts to build or renovate housing for people with very low incomes or special needs. This resource could be developed in existing organizations such as the municipal non-profits or assembled from scratch in a new entity. The Area Municipalities should also consider entering into a partnership with other communities around the Golden Horseshoe to maintain a combined innovative housing non-profit resource group that could be financed in a cost-effective manner;

This recommendation can be supported. With recent cut-backs by both the Federal and Provincial Government to social housing funding, imaginative and creative local responses will be the hallmark of new not-for-profit housing initiatives in Hamilton-Wentworth. The City's Municipal Non-Profit Housing Corporation has shown leadership in this area and should be considered as a credible vehicle for implementing this recommendation.

k) *That the Area Municipalities be requested to undertake a review of their existing zoning by-laws and identify and eliminate any restrictions on the development of supportive housing environments that are not justified by bona-fide planning considerations and significant public health or safety concerns (supportive housing can be defined as housing environments that allow people to live as independently as possible while still receiving certain types of health care, personal, or home-making services).*

Although City staff resources are limited, the objective of reviewing the Hamilton Zoning By-law to identify possible restrictions and impediments for supportive housing environments is a laudable. Other area municipalities within Hamilton-Wentworth should be made aware of the flexibility of Hamilton's Zoning By-law in terms of as-of-right provisions for supportive housing initiatives. This recommendation can be supported.

Appendix "J" referred to in Section 12E of the Minutes of the Planning and Development Ctte meeting held 1996 August 21



LEGEND

——— Delineates boundary of those areas in which parking for Commercial, Public and Institutional uses are reduced or not required

Bill No. D-33

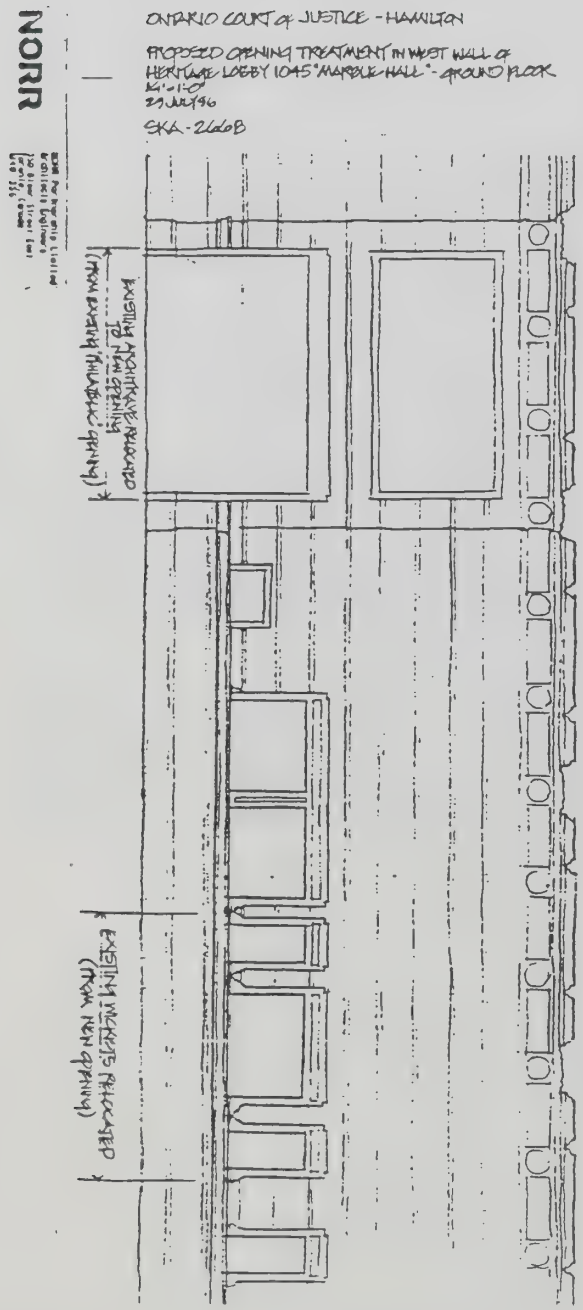
This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

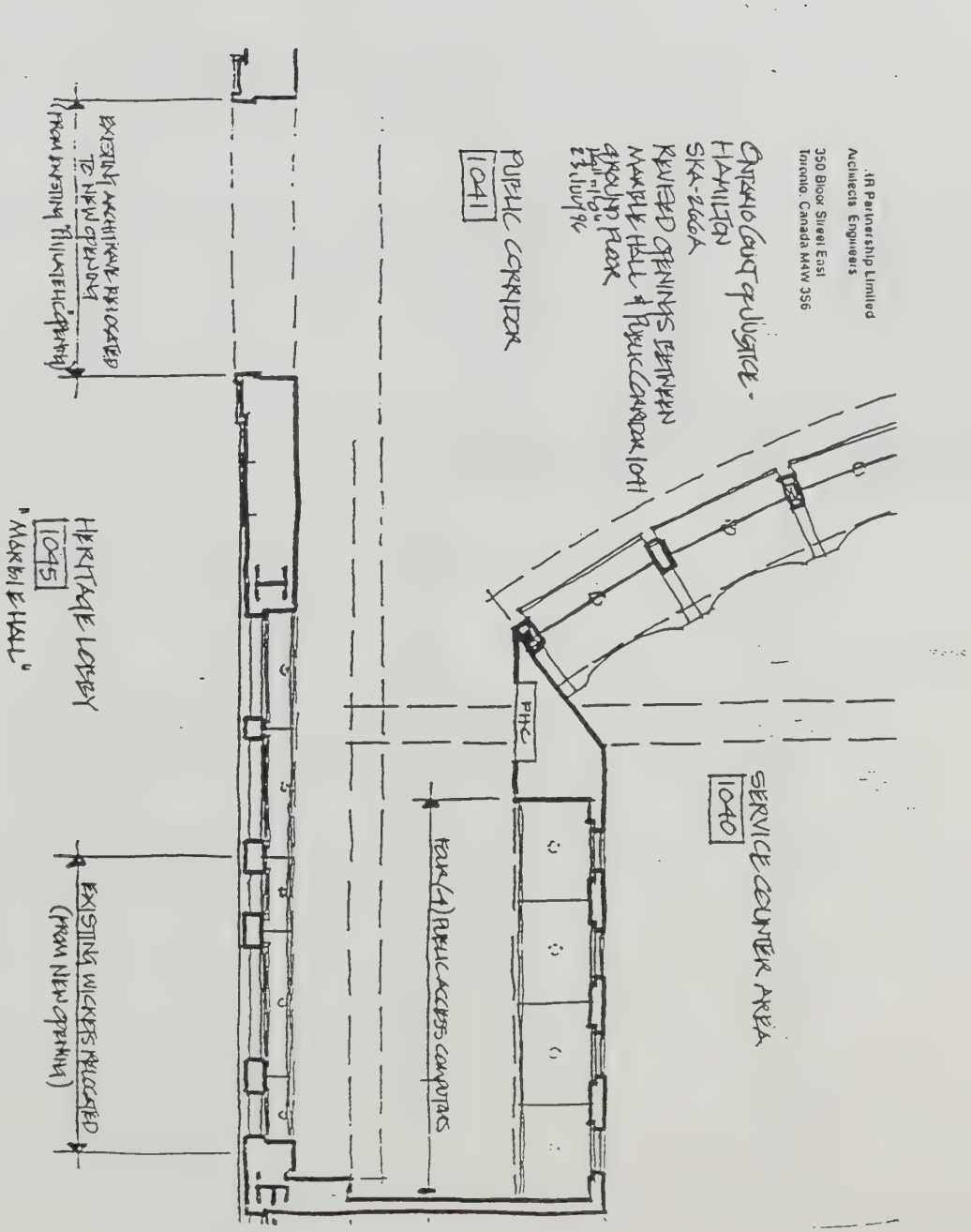
City Clerk

Mayor

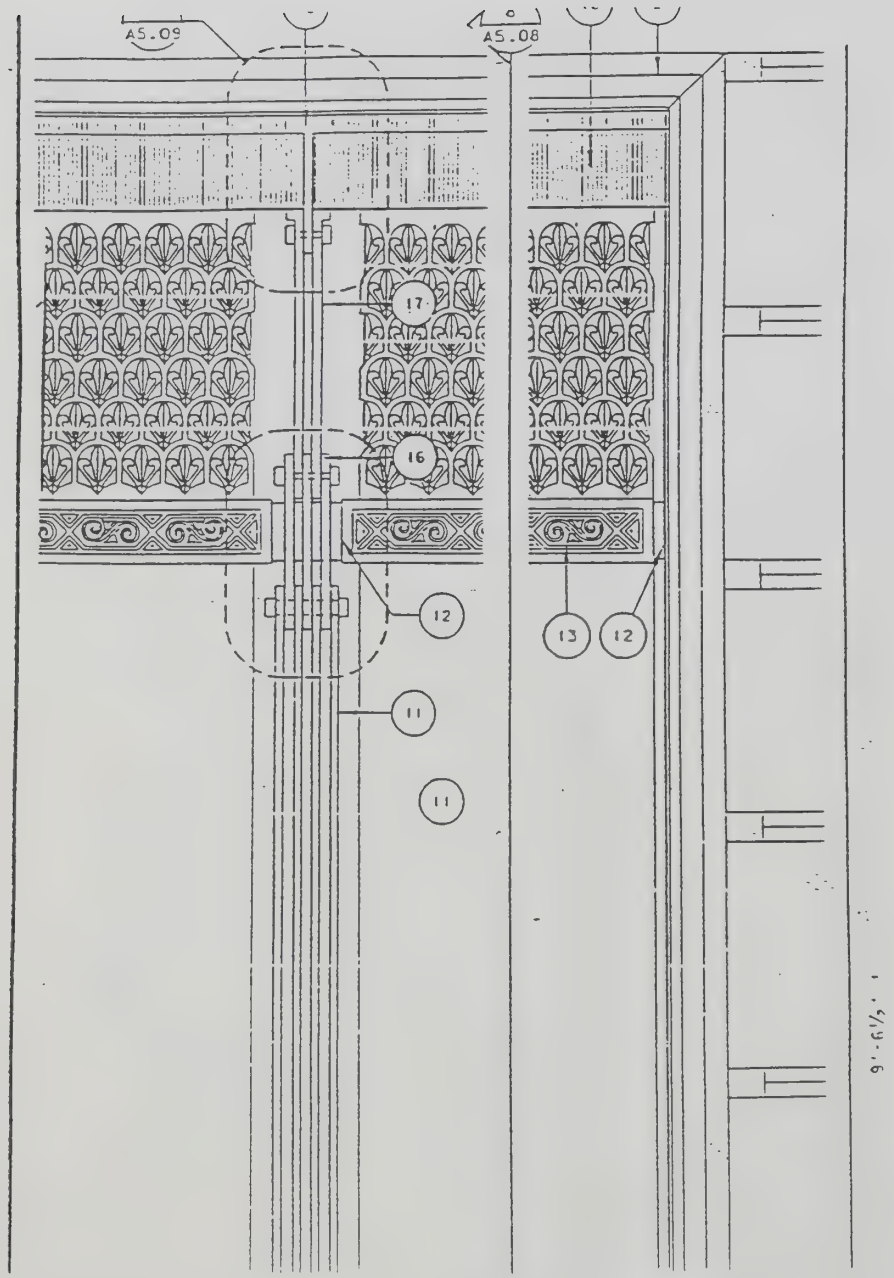
Appendix "K" referred to in Section 12F of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21



Appendix "L" referred to in Section 12F of the Minutes of the Planning and Development Ctte meeting held 1996 August 21



Appendix "M" referred to in Section 12F of the Minutes of the Planning and Development Ctte. meeting held 1996 August 21



B

CITY OF HAMILTON

- RECOMMENDATION -

3:55

SEP 1 1 1996

DATE: 1996 September 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Revised Board of Management; Concession Street Business Improvement Area (B.I.A.) - 1996-1997

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be amended to delete the following name:

   SCHEDULE 'B'

Norm Woolcott	Woolcott's Shoes

   and add the following:

John Woolcotts	Woolcott's Shoes
Debbi Johnson	Why Pay More
Paul Wharton	Wharton's Copy Print and More

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-144 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1996 August 20. A complete list of the Board of Management as amended is attached as Appendix 'A'.

JP:jp

c.c. Mrs. B. Toplack, Chairperson
Concession Street B.I.A.

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

Appendix 'A'

CONCESSION STREET B.I.A.
BOARD OF MANAGEMENT
1996 AUGUST 20

Alderman H. Merling	
Alderman T. Anderson	
Betty Toplack	Mountain Book Store
Ray Devries	Ford Associates
Roger Burroughs	Camtech
John Woolcott	Woolcott's Shoes
Debbi Johnson	Why Pay More
Paul Wharton	Wharton's Copy Print & More

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 0 6 1996

DATE: 1996 September 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Repeal of Heritage Designation - 2774 King Street East

RECOMMENDATION:

That the historical designation of a house at 2774 King Street East be removed by the enactment of a by-law to repeal the designation by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

On 1987 April 14, City Council passed By-law No. 87-108 to designate 2774 King Street East as property of historic and architectural value and interest.

Following a fire at the historic farmhouse at 2774 King Street East City Council, at its meeting held on 1987 June 23, authorized the issuance of a demolition permit. In July of 1987, the remains of the designated structure were demolished. Under section 34 of the Ontario Heritage Act, Council shall pass a by-law to repeal the designation by-law of the demolished property.

Accordingly, the attached by-law to repeal Designation By-law No. 87-108 has been prepared for presentation to City Council.

PNJ\AZ\js
Attach

c.c. V. J. Abraham, Director of Planning and Development
Attention: N. Chapple, Architectural Historian

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Repeal:

By-law No. 87-108

Respecting:

LAND LOCATED AT MUNICIPAL NO. 2774 KING STREET EAST

WHEREAS By-law No. 87-108, passed on the 14th day of April 1987, designated the land located at Municipal No. 2774 King Street East, more particularly described in Schedule "A" attached hereto, as property of historic and architectural value and interest, pursuant to subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337, [now R.S.O. 1990, Chapter O.18];

AND WHEREAS City Council, in adopting Section of the 14th Report of the Planning and Development Committee at its meeting held on the 24th day of September 1996, directed that By-law No. 87-108 be repealed pursuant to Section 34 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 87-108 is hereby repealed.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law to be registered against the property described in Schedule "A" attached hereto, in the proper registry office.

3. The City Clerk is hereby authorized and directed,

   (i) to cause a copy of this by-law to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;

   (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of A.D. 1996

CITY CLERK MAYOR

(1996) 14 R.P.D.C. , September 24

Schedule "A"

To

By-law No. 96-

2774 King Street East, Hamilton, Ontario

PINS 18209-0001 to 18209-0022.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth, in the Province of Ontario, being part of Parcel Plan - 1, Section 62M-480, being composed of the easterly thirty metres of the northerly thirty-nine metres of Block 36, Registered Plan 62M-480.

BEING PART OF THE PINS.

(6)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 1 1 1996
4:20

DATE: 1996 September 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT:

A By-law to Amend the Conveyance of Land for Park Purposes By-law and Other Fee By-laws for the Downtown Area

RECOMMENDATION:

That the appropriate By-law to amend the Conveyance of Land for Park Purposes By-law, the Planning Fees By-law, the Committee of Adjustment By-law and the Building Permit and Fees By-law be enacted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

In adopting Section 19 of the 13th Report of the Planning and Development Committee, City Council, on August 27, 1996, authorized the Conveyance of Land for Park Purposes By-law to be amended so that no land dedication is required for properties located between Hunter Street, Cannon Street, Queen Street and Victoria Avenue, if a Building Permit is issued prior to September 1, 1999. The Section further authorizes the fees for Official Plan Amendments, Site Plan Applications, Committee of Adjustment Applications, Building Permits, Demolition Permits, Zoning/Property Reports, and inspection fees for properties located between Hunter Street, Cannon Street, Queen Street and Victoria Avenue to be refunded if the fee was paid

after August 27, 1996 and if a Building Permit was issued for the property prior to September 1, 1999.

ANALYSIS:

The attached By-law amends the Conveyance of Land for Park Purposes By-law in accordance with the August 27, 1996 Council resolution.

The other fees related to development that were waived are set by several by-laws. The attached By-law amends the other By-laws that enact the fees to waive the fees if the land is located in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue and if a Building Permit is issued for the property by September 1, 1996.

c.c. L. King, Building Commissioner
c.c. V.J. Abraham, M.C.I.P., Director, Local Planning Division

PNJ:LEF:as

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law Nos. 84-252, 93-243, 87-55 and 93-167

TO REDUCE VARIOUS FEE BY-LAWS FOR THE DOWNTOWN AREA

WHEREAS Section 42 of the Planning Act R.S.O. 1990, Chapter P.13 authorizes a Council of a municipality to enact a by-law to require the conveyance of land for park purposes as a condition of development or redevelopment of lands for residential purposes;

AND WHEREAS Council, on November 27, 1984 enacted By-law No. 84-252 which requires a conveyance of five percent of the land being developed or the value of the land otherwise required to be conveyed to the City;

AND WHEREAS Council, on August 27, 1996, in adopting Section 19 of the 13th Report of the Planning and Development Committee, authorized a moratorium of the Five Percent Land Dedication Fee, Building Permit Fee, Committee of Adjustment Fee and specified Planning Fee, for lands developed in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, if a Building Permit is issued prior to September 1, 1999;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 84-252 is further amended by the addition of the following section:

4.B (1) Despite any other section of this By-law, no conveyance of five percent of the land being developed, or payment of the value of that land to the City, shall be required if,

(i) the land being developed is located in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue;

(ii) a Building Permit to build upon the land is obtained prior to September 1, 1999;

(2) This section shall be repealed on September 1, 1999.

2. By-law No. 93-243 is amended by the addition of the following section:

7. (1) Despite any provision of this By-law, the fees for Official Plan Amendments, Zoning Applications, and Site Plan Applications may be refunded to a Building Permit applicant if,

(i) land being developed is in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, and

(ii) the fee was paid after August 27, 1996, and

(iii) a Building Permit to build upon the land is issued prior to September 1, 1999.

(2) This section shall be repealed on September 1, 1999.

3. (1) By-law No. 87-55 is amended by the addition of the following section:

5. Despite any provision of this By-law, the Committee of Adjustment Application Fee may be refunded to a Building Permit applicant if,

(i) land being developed is in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, and

(ii) the fee was paid after August 27, 1996, and

(iii) a Building Permit to build upon the land is issued prior to September 1, 1999.

(2) This section shall be repealed on September 1, 1999.

4. (1) By-law No. 93-167 is amended by the addition of the following section:

9.A. Despite any provision of this By-law the fees for Building Permits, Demolition Permits, Zoning/Property Reports and Inspection may be refunded to a Building Permit applicant if,

(i) land being developed is in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, and

(ii) the fee was paid after August 27, 1996, and

(iii) a Building Permit to build upon the land is issued prior to September 1, 1999.

(2) This section shall be repealed on September 1, 1999.

5. Subsection 4.A(3) of By-law No. 84-252 is repealed and replaced with the following:

4.A (3) This section shall be repealed on August 2, 1997.

PASSED this day of 1996.

CITY CLERK MAYOR

Da)i)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 0 9 1996

DATE: 1996 September 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
10 LIMERIDGE ROAD WEST
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 10 Limeridge Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-9A)

PRESENT USE: Single Family Dwelling

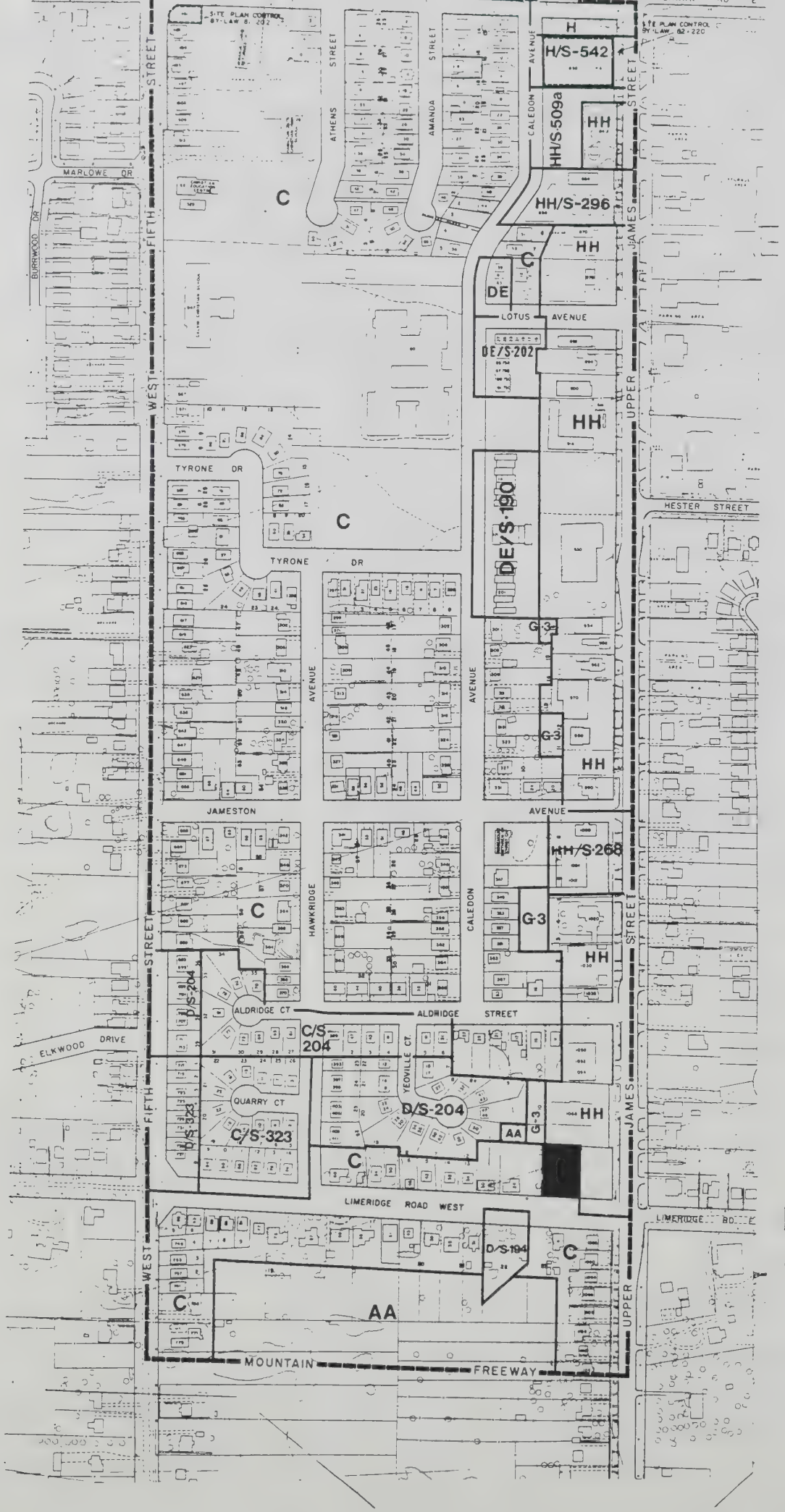
PROPOSED USE: Freeway Project

BRIEF DESCRIPTION: Owner wishes to demolish the existing one storey masonry construction single family dwelling as the land is required for the Freeway Project. This property is located in the YEOVILLE Neighbourhood (please see attached neighbourhood map). 10 Limeridge Road West is in Ward 8. No LACAC interest. Lot size 105 x 145.560.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

ND/zr



SUBJECT PROPERTY

10 LIMERIDGE WEST

Da)i

CITY OF HAMILTON

- RECOMMENDATION SEP 09 1996

DATE: 1996 September 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1321 UPPER WELLINGTON STREET - Tag Number 97079
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1321 Upper Wellington Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: DE-2/S-1319 (Map E-18B)

PRESENT USE: Single Family Dwelling

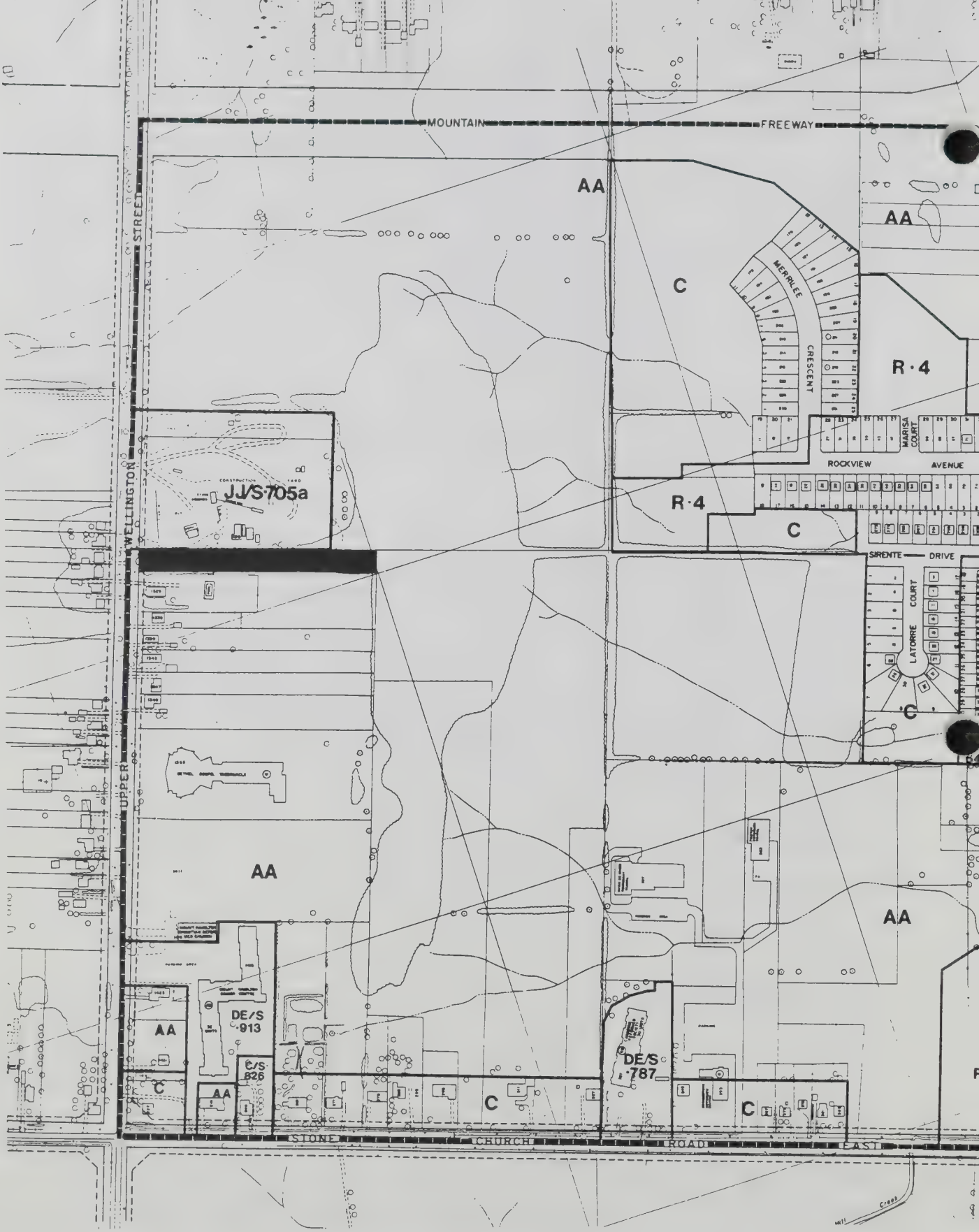
PROPOSED USE: Church (Religious)

BRIEF DESCRIPTION: The property at 1321 Upper Wellington Street is in Ward 7 and is located in the CRERAR Neighbourhood (see attached neighbourhood map). The owner wishes to demolish a two storey single family dwelling and build a church. As of 1996 September 5, there has been no recent application for a building permit to build a new church, nor have there been any recent applications made to the Committee of Adjustment, Land Division Committee or the Planning Department for a Development Agreement or for a zoning change. No LACAC interest. Entire parcel of land is 358.99 x 672.01.

The owner of the property and applicant as per the demolition permit is:

Bethel Gospel Tabernacle, c/o David Newell
1355 Upper Wellington Street, Hamilton, Ontario L9A 3S8

ND



SUBJECT PROPERTY

1321 UPPER WELLINGTON

D a) iii)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 0 9 1996

DATE: 1996 September 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1329 UPPER WELLINGTON STREET - Tag Number 97080
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1329 Upper Wellington Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: DE-2/S-1319 (Map E-18B)

PRESENT USE: Single Family Dwelling

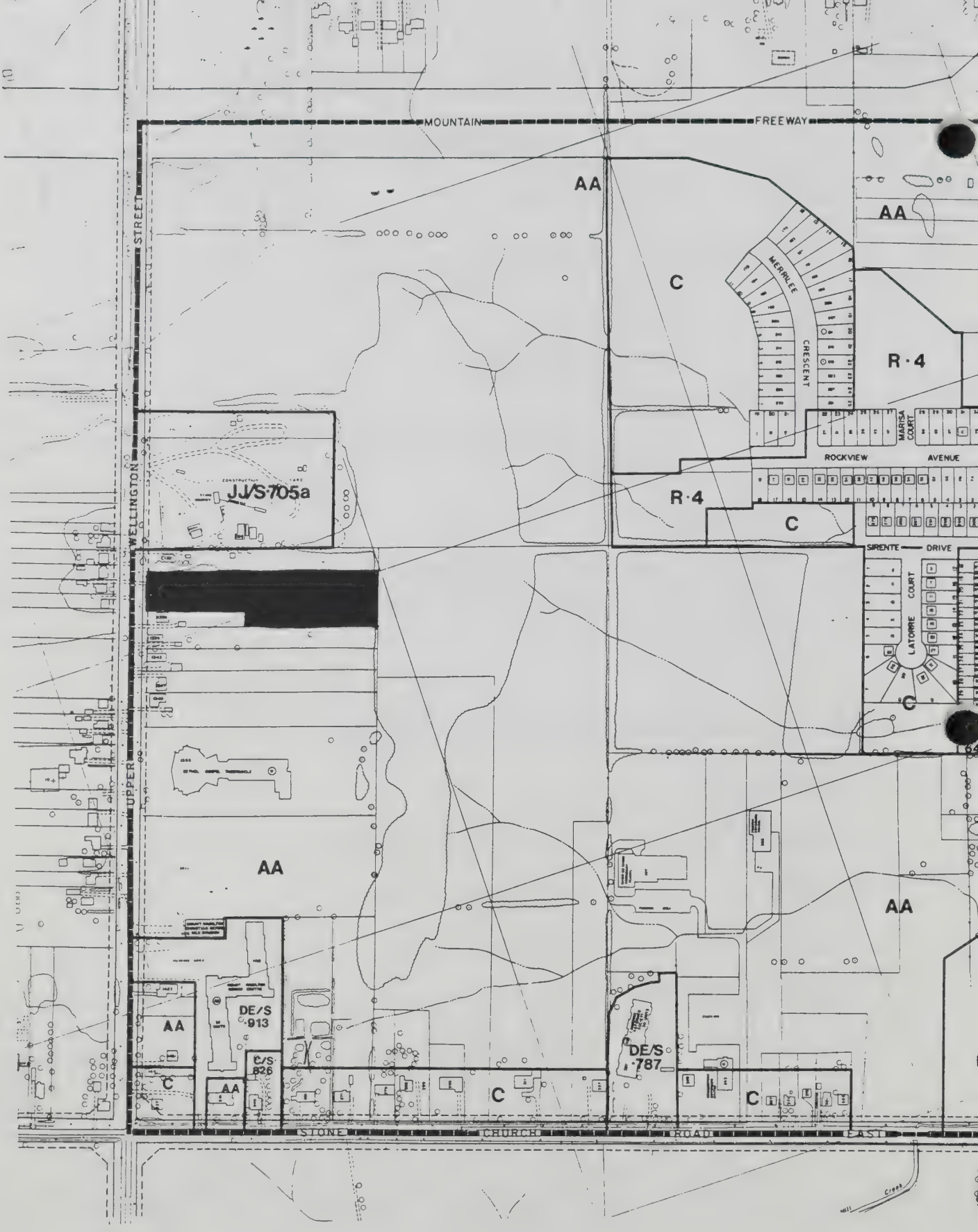
PROPOSED USE: Church (Religious)

BRIEF DESCRIPTION: The property at 1329 Upper Wellington Street is in Ward 7 and is located in the CRERAR Neighbourhood (see attached neighbourhood map). The owner wishes to demolish a two storey single family dwelling and build a church. As of 1996 September 5, there has been no recent application for a building permit to build a new church, nor have there been any recent applications made to the Committee of Adjustment, Land Division Committee or the Planning Department for a Development Agreement or for a zoning change. No LACAC interest. Entire parcel of land is 358.99 x 672.01.

The owner of the property as per the demolition permit is:

Bethel Gospel Tabernacle, c/o David Newell
1355 Upper Wellington Street, Hamilton, Ontario L9A 3S8

/ND/zr



SUBJECT PROPERTY

1329 UPPER WELLINGTON

D6)

CITY OF HAMILTON

- RECOMMENDATION

SEP 0 9 1996

DATE: 1996 September 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
349 Barton Street East (96.2.4.2.1.A, 96.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for improvements to 349 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for exterior storefront improvements to 349 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.



.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 349 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 349 Barton Street East:

a. $25,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $12,500 Security: promissory note and lien. Monthly payments $239.77.

b. $5,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $2,500 Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title, in second place to a mortgage of $100,000, in favour of Top Industrial Park Ltd.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

E.

CITY OF HAMILTON

- RECOMMENDATION -

12:45
SEP 1 2 1996

DATE: 1996 September 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Extension of Draft Plan Approval
"Ridgeview Estates Phase III" Subdivision
(File No. 25T-76046)

RECOMMENDATION:

1. That the request by Valery Construction Limited, to extend draft plan approval for "Ridgeview Estates - Phase III" subdivision under Regional File No. 25T-76046 for a further three (3) year period to August 1, 1999, be approved.

2. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

V. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location:

The "Ridgeview Estates" subdivision is located at the south-west quadrant of Upper Wentworth

Street and Stone Church Road East, in the Butler Neighbourhood (Appendix "A").

History:

The "Ridgeview Estates" subdivision was originally draft approved on May 29, 1978 comprising 72 lots for single family dwellings, 40 lots for "zero lot line" single family dwellings, 36 lots for semi-detached dwellings, and a block for approximately 65 units of medium density apartments. Since then, previous requests for extension have been granted to allow the development to be phased on a market demand basis. The last extension is scheduled to lapse on August 29, 1996. The owner has requested a further extension to allow for sufficient time to complete the final phases of development.

In July, 1995, Council approved the request by the owner to extend draft plan approval for one year. The applicant is requesting a subsequent three year extension of draft plan approval "*due to the nature of the present economic conditions in the Hamilton area*".

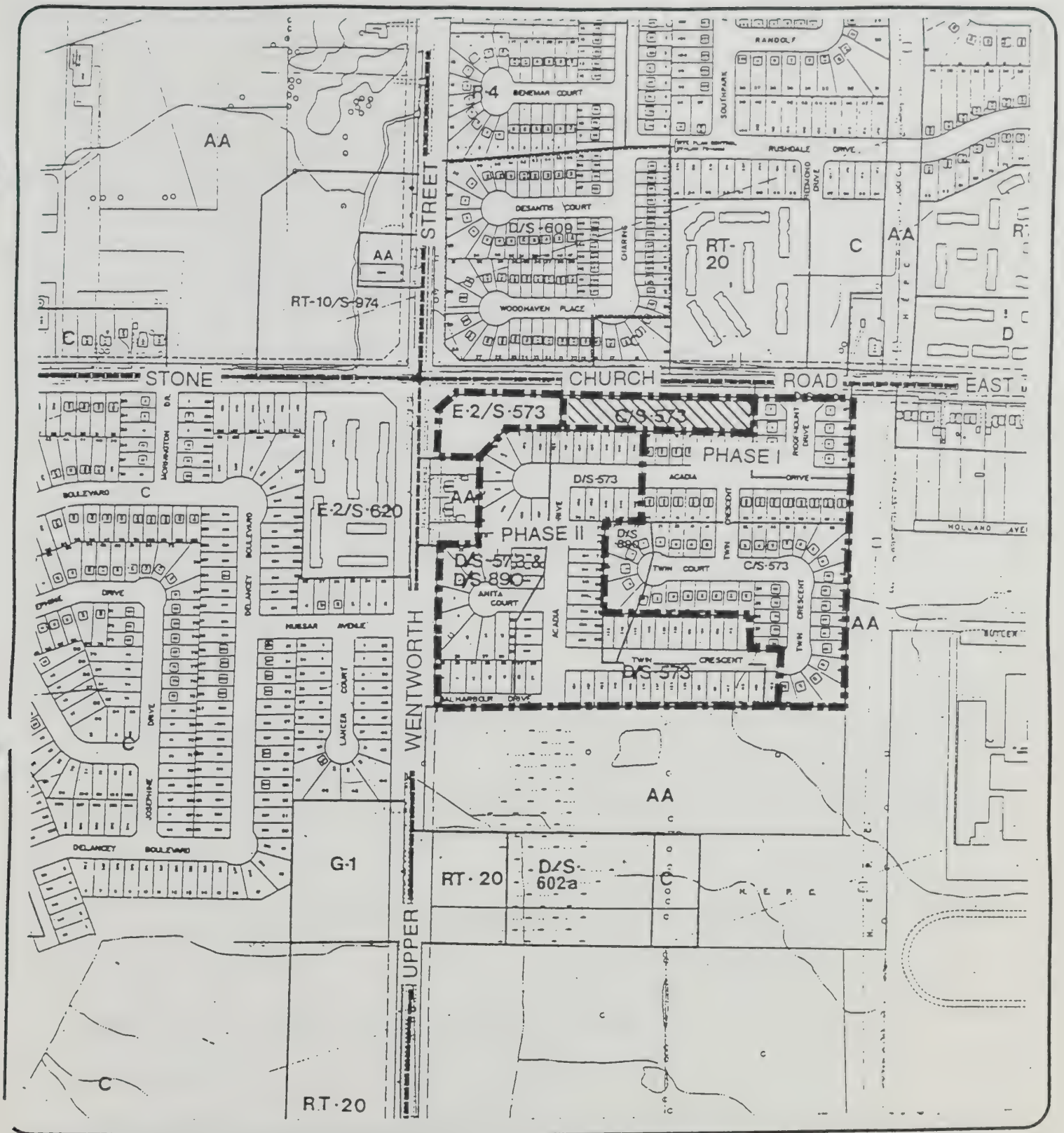
COMMENTS:

The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development. With two major phases of the development completed, the developer's Consulting Engineer has advised that the next phase comprising 12 lots for single family dwellings is now being processed. The only remaining phase is designated for "medium density apartments" in the Butler Neighbourhood Plan and can be developed under the site plan approvals process. Therefore, a further extension of draft plan approval should not be required.

CONCLUSION:

Based on the foregoing, the request for a further extension can be supported.

SR:sr
Encl.



City of Hamilton

Location Plan For

"Ridgeview Estates"

Planning and Development Department

Legend

Area of Plan of Subdivision

Remaining Area
Draft Plan Approved

North	Scale	Reference File No.
	Not to Scale	25T-76046
	Date	Drawn By
	SEPTEMBER 1996	B. B.

F a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Former St. George's Anglican Church and Sunday School, 137 Strathcona Avenue North/10 Tom Street - Designation

RECOMMENDATION:

a) That the report of the Conservation Review Board dated 1996 May 9 recommending the designation of the former St. George's Anglican Church and Sunday School at 137 Strathcona Avenue North/10 Tom Street, be adopted and that the Church property as outlined in the Reasons for Designation attached hereto and marked as Appendix "A" be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,

b) That the attached By-law designating the property at 137 Strathcona Avenue North/10 Tom Street be adopted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

City Council at its meeting held 1994 May 31 approved an "Intention to Designate" the former St. George's Anglican Church and Sunday School located at 137 Strathcona Avenue North/10 Tom Street, Hamilton. During the 30-day advertising period required under the Ontario Heritage Act, the Synod of the Diocese of Niagara formally objected to the intended designation of the Church. In accordance with the Act, a Conservation Review Board hearing was convened but was however, adjourned on 1995 February 9.

The property was subsequently sold to the Hamilton Christian Fellowship organization. The new owners did not object to the proposed heritage designation. The Conservation Review

Board hearing was reconvened on 1996 May 9 and recommended to the City of Hamilton that the building known formerly as St. George's Anglican Church and Sunday School but now as the Church of Hamilton Christian Fellowship, located at both 10 Tom Street and 137 Strathcona Avenue North, be designated under the Ontario Heritage Act, R.S.O. 1990, for their historical and architectural significance.

The Local Architectural Conservation Advisory Committee at its meeting held 1996 September 9 recommended that the Conservation Review Board's recommendation to designate be approved.

attached

cc Patrice Noé Johnson, City Solicitor
Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

APPENDIX "A"

REASONS FOR DESIGNATION

Former St. George's Anglican Church and Sunday School

137 Strathcona Avenue North
(10 Tom Street, Hamilton)

Context

Built in 1890, St. George's Anglican Church is situated at the north-west corner of Tom Street and Strathcona Avenue North between Victoria Park and Dundurn Park. This attractive, unpretentious Gothic Revival church and its adjacent Sunday school fit comfortably into the surrounding late 19th/early 20th century residential neighbourhood, with its pleasant mix of modest one-storey frame houses and larger two-storey brick dwellings. The low-rise character of the church setting is interrupted only by the apartment tower to the south-east of St. George's, built on the large site of the former Semmens & Evel Casket Company.

Architecture

Built in the Gothic Revival style, St. George's is typical of the Anglican parish churches erected in the late 19th century to serve Hamilton's expanding neighbourhoods. The characteristic steeply-pitched roof, belfry, buttressed brick facade, and pointed-arched windows of St. George's can also be found in St. Luke's in the north end (1889); St. Mark's (1878) and St. John the Evangelist (1892) in the south end; and St. Matthew's (1887, demolished) and St. Peter's (1892, later rebuilt) in the east end. Although simple and unadorned, this form of the gothic parish church has its roots in the rich tradition of English church architecture.

Credited to Hamilton architect J. H. Young, the church was constructed in 1890 and extended easterly by two bays in 1902, creating a new facade on Strathcona North with corbelled brick decoration and a triple gothic window. The interior sanctuary consists of one, entirely open space, featuring exposed roof trusses, and some fine stained-glass windows. In 1925, the entrance vestibule was added to the front facade. Taken altogether, the pleasing simplicity of design and the balance of proportions make St. George's an architecturally distinguished neighbourhood landmark.

In 1911, the Reverend Frederick E. Howitt, noted both locally and internationally for his work in religious education, undertook the construction next door of a major Sunday school. Set back from Tom Street, the Sunday school building is a tall, brick structure comparable to the church in height and scale. Its exterior treatment is unusual with elaborate brick corbelling on the gable front and widely spaced Tudor-arched windows; the interior Sunday school layout consists of a large, two-storey open room containing classrooms and a mezzanine on three sides. Although the church schoolhouse was a popular addition in the 1890's, St. George's example is unusually large for the size of the church; as a free-standing church school, it is a relatively rare building type today. Formerly accommodating as many as 900 children, the school stands as a testimony to the value that St. George's parish placed on education.

These two brick buildings, church and school, are situated at right angles to each other around a grassed forecourt. Together, they form an interesting architectural complex which enhances the urban character of the neighbourhood.

History

Opened as St. George's Chapel of Ease, the church was built to serve parishioners in the west end of the Parish of All Saints. Only three years later, St. George's became a separate parish, defined as the area westward from Locke and Locomotive (Ray, north of York) Streets to the Ascension (Hamilton) Cemetery and from Main Street to the harbour. By the turn of the century, St. George's Church was an important institution within the thriving West End neighbourhood.

The period of major expansion for St. George's Church and Parish corresponds to the thirty-one year ministry of its third rector, Reverend Frederick E. Howitt, appointed in 1895 and made a canon in 1914. St. George's prominence within Hamilton's Anglican community may be largely attributed to his dedicated and inspirational service. As a gifted preacher and teacher, Canon Howitt attracted large audiences to regular services at St. George's and gave religious instruction to classes throughout the city. Moreover, Howitt's influence extended far beyond the local Anglican community through his work as a missionary and speaker across Canada and the United States.

Another prominent figure in the history of St. George's was its sixth rector, the Reverend Donald H. MacLennan (1941-1966), who made a substantial contribution to the missionary and religious education work begun by Canon Howitt and subsequently associated with St. George's.

Designated Features

Important to the preservation of St. George's Anglican Church are the original features of all four facades of the church, including the brick masonry walls and stone foundation, buttresses, belfry, pointed-arched windows with stone sills, the stained glass windows, doors; the interior sanctuary, including the walls, windows, interior roof trusses and original wood panelling; and all four exterior facades of the adjacent Sunday school, including walls, windows, and the interior open space with its classrooms and mezzanine.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

THE PROPERTY KNOWN AS ST. GEORGE'S ANGLICAN CHURCH AND SUNDAY SCHOOL LAND LOCATED AT MUNICIPAL NO. 137 STRATHCONA AVENUE NORTH (10 TOM STREET)

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property known as St. George's Anglican Church and Sunday School, located at Municipal No. 137 Strathcona Avenue (10 Tom Street) and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

   (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;

   (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of A.D. 1996

CITY CLERK MAYOR

Schedule "A"

To

By-law No. 96-

St. George's Anglican Church and Sunday School
137 Strathcona Avenue (10 Tom Street), Hamilton, Ontario

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of:

FIRSTLY: Part of Lots 42 and 43 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey in the said City of Hamilton, and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 79 feet northerly from the south-east angle of Lot 41 in the said survey;

THENCE northerly along west limit of Strathcona Avenue, 36 feet to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet easterly from the west limit of said Lot 43, which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 36 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 106670 N.S. which point is distant 79 feet from the north limit of Tom Street.

THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet ore or less to the place of beginning;

SECONDLY: Parts of Lots Numbers 41 and 42 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 50 feet northerly from the south-east angle of said Lot 41;

THENCE northerly along the west limit of Strathcona Avenue, 29 feet more or less to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet more or less easterly from the west limit of said Lot 42, and which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 29 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 44837; which point is distant 50 feet more or less from the north limit of Tom Street;

THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet more of less to the place of beginning.

THIRDLY: Part of Lots Number 41, 42 and 43 fronting on Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport and York Streets, more particularly described as follows:

COMMENCING at a point in the northerly margin of Tom Street which point is distant 100 feet more or less westerly from the north-west corner of Sophia and Tom Street;

THENCE northerly parallel with Sophia Street, 150 feet more or less to the northerly boundary of said Lot 43;

THENCE westerly along the northerly boundary of said Lot 43, 50 feet more or less to the north-west angle of said Lot 43;

THENCE southerly along the westerly boundary of said Lots 41, 42 and 43, 150 feet more or less to Tom Street;

THENCE easterly along the northerly margin of Tom Street, 50 feet more or less to the place of beginning;

FOURTHLY: the southerly part of Lot Number 41 in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) according to the plan of survey made for Sir Allan N. McNab more particularly described as follows:

COMMENCING on the south easterly corner of the said Lot;

THENCE northerly along the westerly boundary of Strathcona Avenue (formerly Sophia Street), 50 feet to a post;

THENCE westerly parallel to Tom Street, 100 feet to a post;

THENCE southerly parallel to Strathcona Avenue (formerly Sophia Street), 50 feet to the northerly margin of Tom Street;

THENCE easterly along Tom Street to the place of beginning;

All as described in Instrument No. VM211074.

F6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Lister Block - Meeting to Identify Ways of Securing Building

RECOMMENDATION:

That the Chief Administrative Officer be requested to convene a meeting with representatives from the Fire Department, Hamilton-Wentworth Regional Police Department, Planning and Development Department and the Building Department, to determine what courses of action can be taken by the City in securing the Lister Block located at 28-44 James Street North/5-21 King William Street, in light of three recent fires at the building.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

On 1995 January 10, City Council gave approval to the "Intent to Designate" the Lister Block. During the 30-day advertising period required under the Ontario Heritage Act, the owner of the building formally objected to the intended designation. In accordance with the Act, City Council at its meeting held 1995 May 9 referred the designation to the Conservation Review Board. A Conservation Review Board hearing was convened on 1996 May 9 and a decision is pending.

Built in 1923, the Lister Block, a building listed on the City's Inventory of Buildings of Architectural and/or Historical Significance, has been the target of three deliberately set fires in the past week.

The building has remained vacant for about a year had has become home to vagrants even after the building has been secured by the owner.

The Local Architectural Conservation Advisory Committee at its meeting held 1996 September 9 recommended that a meeting be set up to determine what courses of action are open to the City to protect this historic building and the surrounding businesses.

cc Mayor Morrow
Joe Pavelka, Chief Administrative Officer
Victor Abraham, Director, Planning and Development Department
Len King, Building Commissioner
Chief Middaugh, Hamilton-Wentworth Regional Police
Chief Garry Smith, Hamilton Fire Department
Nina Chapple, Planning and Development Department

G.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 11

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) City Solicitor Re: 412 Aberdeen Avenue, Zoning By-law Appeal to the Ontario Municipal Board - Motion to dispense with a public hearing, dated 1996 September 9.

(b) Director of Planning Re: Site Plans for Approval, dated 1996 Sept 10.

(c) Commisionner of Public Works and Traffic Re: Barton Street Revitalization - Streetscape Component, dated 1996 September 6.

(d) Secretary, LACAC Re: Minutes of the meeting held 1996 July 15, dated 1996 September 9.

(e) Director of Planning Re: Planning and Development Department Quarterly Report as at 1996 June 30, dated 1996 September 10.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:N\A

BACKGROUND:N\A

URBAN\MUNICIPAL
CA4 ON HBL A05
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1996

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1996 September 24
7:00 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
SEP 25 1996
GOVERNMENT DOCUMENT

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **DIRECTOR OF PLANNING AND DEVELOPMENT** (tabled from previous meeting)

   Zoning Applicatio 94-19 and Proposed plan of Subdivision "Tiffany" (SAC-94-02/25T-94019(R)), by Starward Homes Ltd., prospestive owner, for lands located west of Sanatorium Road and North of Chedmac Drive.

   Submission: a) Scott Konkle, Hamilton Conservation Authority (support with conditions).

   *** REPORT TO BE DISTRIBUTED AT THE MEETING**

2. **ADJOURNMENT**

Urban Municipal Collection
2nd Floor
Hamilton Public Library

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 Sept 12.

1a

Hamilton Region Conservation Authority
P.O. Box 7099, 838 Mineral Springs Road
Ancaster, Ontario L9G 3L3
Telephone (905) 648-4427
Fax (905) 648-4622
e-mail hrca1@interlynx.net

SEP 12 1996

PLAN REVIEW REPORT TO: THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH - DEVELOPMENT DIVISION

DATE: September 9, 1996 YOUR FILE: 25T-94004(R) OUR FILE: 25T-94004(R)

AREA MUNICIPALITY: Geographic Township of Ancaster - City of Hamilton

LOCATION: Part Lots 56 & 57, Concession 2

NAME OF APPLICANT: Chedoke McMaster Hospitals-A.J. Clarke & Associates Ltd.

APPLICATION TYPE: (check as many as are applicable)	SUBDIVIS/ CONDO	SEVERANCE	ROPA	ZBY-LAW	VARIANCE/ SITE PLAN
	X			X	
APPLICATION NO:	25T-94004 (Revised)			ZAC-94-19	

cc: Mr. Victor Abraham, Director of Planning - City of Hamilton
Secretary, Planning and Development Committee - City of Hamilton

SECTION A: CONSERVATION AUTHORITY

RECOMMENDATION: (1 of 3 options)

☐ 1) Approve application - no conditions

☒ 2) Approve application - subject to conditions

☐ 3) Deny application

CONDITIONS:

1. That the applicant/owner prepare and implement an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and;

a) That all erosion and sediment control measures be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) That all erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;

c) That any disturbed area not scheduled for further construction within 45 days be provided with suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction;

2. That the applicant/owner prepare and implement a Grading Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

3. That the applicant/owner prepare and implement a Tree Preservation Plan for the subject property.

4. That the applicant/owner submit a stormwater management report for the subject property that details the area designated for stormwater management is of sufficient size and that this facility incorporates a "natural pond" design.

COMMENTS:

The subject property is not located within an area regulated by the Hamilton Region Conservation Authority. As such, a permit from this agency is not required for the proposed development.

The subject lands are currently vacant with the exception of two buildings that are to be removed upon development of the lands. The site is also surrounded by residential and institutional uses. Development, demolition, grading and the addition of impervious surfaces may increase erosion and sedimentation both on and off the site. In this regard, an Erosion and Sediment Control Plan and Grading Plan should be prepared and implemented for the subject property.

Block 180 of the proposed subdivision will be used for a stormwater management facility. Authority staff have provided comments regarding the issue of stormwater management for this area in the previous circulation of this subdivision (see attached letter). We would like to reiterate our comments by requesting that the applicant/owner of the subject property submit a stormwater management report that details the area designated for stormwater management is of sufficient size and that this facility incorporates a "natural pond" design. Authority staff support stormwater management that implements "natural design" features.

Based on the above, Authority staff request that a stormwater management report be submitted prior to this agency finalizing conditions for draft approval.

SECTION B: MNR

RECOMMENDATION: (1 of 3 options)

☐ 1) Approve application - no conditions

☒ 2) Approve application - subject to conditions

☐ 3) Deny application

CONDITIONS: 1. Prior to final registration of this plan of subdivision, the following reports must be submitted and approved by Authority staff describing:

a) The manner in which stormwater will be conveyed from the site, including how the subdivision ties into existing development.

b) Appropriate Best Management Practices (BMPs) to be used to treat stormwater, to ensure no negative impact on the quality or quantity of ground and surface water resources as it relates to fish and their habitat.

Note: Stormwater will not be permitted to enter the watercourse untreated, both during or after development.

c) Erosion and Sedimentation Control Plans that include maintenance requirements for all employed devices.

2. That detailed plans be submitted regarding alterations or outlets to the watercourse. Any alterations require a permit under the Lakes

and Rivers Improvement Act. This information should be submitted with the requirements of condition 1.

3. That the applicant/owner agree in the subdivision agreement:

a) to carry out the works referred to in condition 1

b) to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period.

COMMENTS:

The subject lands are drained by a watercourse which flows over the escarpment and into Cootes Paradise. Water quality must be maintained or enhanced in this area to levels required to sustain fishery resources. Proper stormwater management techniques and erosion and sediment control measures must be employed on site both during and after construction to eliminate the possibility of negative impacts on the downstream water quality as it relates to fish and their habitat. Stromwater leaving the site will require "treatment", both during and after development. "Treatment" refers to the use of appropriate Best Management Practices to provide some form (or forms) of water quality abatement usually accomplished by allowing stormwater runoff to infiltrate into the ground or through temporary stormwater detention or retention that would allow some settling of suspended solids and associated contaminants, prior to release. Authority staff request that a stormwater management study be completed seeing that a pond site is proposed in this area. Please note, Authority staff would like involvement in the review and approval of this stormwater management study, to ensure the design criteria also meets provincial objectives.

B. Scott Konkle, O.A.L.A.
Director of Planning and Engineering

September 9, 1996

Date

Hamilton Region Conservation Authority

August 31, 1994 25T-94004 A

Mr. L. Lanza, P.Eng., Manager
Land Development
Planning and Development Department
Regional Municipality of Hamilton-Wentworth
P. O. Box 910
Hamilton, Ontario.
L8N 3V9

Dear Sir:

Re: 25T-94004 - Tiffany - P.Lots 56 & 57, Conc. 2,
geographic Town of Ancaster, now City of Hamilton

Staff of the Hamilton Region Conservation Authority have reviewed the above noted application and offer the following comments for your consideration.

Block 174 of the proposed subdivision is to be used as a stormwater management pond. The stormwater management report prepared for the Mountview Neighbourhood Plan outlines that a traditional stormwater management pond that is fenced and incorporates 3:1 side slopes is proposed. Through our discussions with the Region's Transportation and Environmental Services Department, it is our understanding that this is not suitable.

Both the Transportation and Environmental Services Department and the Ministry of Natural Resources are encouraging the owner of the subject property to develop a stormwater management report that utilizes the natural features of the land and incorporates "natural pond" design. This would include ensuring that the areas needed for natural stormwater management ponds are of a sufficient size. Authority staff fully support stormwater management that implements "natural design" features.

The subject property is located within the Mountview Neighbourhood Plan area. Authority staff note that this Neighbourhood Plan has been turned down by Council. The revised Neighbourhood Plan should examine "natural design" and the utilization of the natural features of the land in stormwater management.

Based on the above, staff of the Hamilton Region Conservation Authority view application 25T-94004 as being premature.

Should you have any questions regarding this matter, please contact Mr. Scott Peck, Acting Senior Planner, at this office.

Yours truly,

B. Scott Konkle, O.A.L.A.
Director of Planning & Engineering.

SVTSP/pr

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 (905) 525-2181 or 648-4427 Office Fax 648-4622 Shop Fax 525-2214

URBAN\MUNICIPAL
CA4 ON HBL A05
C 51P4
1996



Urban Municipal Collection
2nd Floor
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NOTICE OF MEETING

URBAN MUNICIPAL
SEP 30 1996
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 October 2
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. CI-96-I, Reduced parking requirements for residential development in the downtown.

2. Gore Heritage Design Study

   Submission: a) Local Architectural Conservation Advisory Committee (support)

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   a) Zoning Application 94-32 and Proposed Plan of Subdivision "Orchard North" (SAC-94-04/25T-94012), by Starward Homes Ltd. and Ward Campbell/Brian Morrison, owners, for a change in zoning for lands located south of the proposed mountain freeway and west of West Fifth Street. (Previously Tabled)

   b) Beasley Neighbourhood Plan

   c) Extension for approval of Site Plan Control Application DA-93-05 for 139-147 Locke Street South

4. **CONSENT AGENDA**

5. **OTHER BUSINESS**

6. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
3.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
4.	Zoning Requirements for Gambling Locations	1996 May 22	Referref to staff for report	Planning and Building Department staff to prepare report
5.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
[illegible]	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
7.	Report regarding bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming

1996 August 29

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 7 1996

DATE: 1996 September 26
(CI 96-I)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City Initiative - Parking Requirements for Residential Uses in the Downtown

RECOMMENDATION:

That approval be given to amended City Initiative 96-I respecting the elimination of parking the parking requirement for residential uses for the area bounded by Cannon Street, Queen Street, Hunter Street and Victoria Avenue, as shown on the attached map marked as APPENDIX "A", for a period not to exceed three years, on the following basis:

(i) That the regulations as contained in Section 18A - PARKING AND LOADING REQUIREMENTS of Zoning by-law No. 6593, be modified to eliminate the parking requirement for residential uses, for the area bounded by Cannon Street, Queen Street, Hunter Street and Victoria Avenue, for a three year period, as follows:

(1) that Zoning By-law No. 6593 be amended by including a new Schedule "K" - Downtown Residential Parking Area;

(2) that Zoning By-law No. 6593 be amended by adding a new Section 18A.(42) as follows:

"Except for residential care facilities and short term care facilities, where residential uses mentioned in paragraph 1 of Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for the period between November 1, 1996 and September 1, 1999."

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(iii) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On August 27, 1996, City Council directed that the Planning and Development Department to eliminate required parking for residential development in **AREA "A"** on Schedule "I" of Zoning By-law No. 6593, and reduce to 0.5 spaces for each class "A" dwelling unit in the area defined by **AREA "B"** (see APPENDIX "B").

OTHER DOWNTOWN INITIATIVES

- **GHDCDC**

  The Greater Hamilton Downtown Community Development Corporation (GHDCDC) was created to establish downtown Hamilton as the economic, cultural, social and institutional centre of the Region.

  With respect to residential development, the Goals and Objectives of the GHDCDC include the following:

  "3. Assist and encourage investment and development in the downtown through actions such as:

  - **encourage new residential development in the downtown;..."**

  The focus area for the Community Development Corporation is shown on APPENDIX "A".

- **Mayor's Task Force on Downtown Issues and Renewal**

Given the concern over the condition of the downtown and Regional centre, the Mayor and the Downtown Task Force developed 29 initiatives aimed at revitalizing the area. At its meeting of April 6, 1994, the Planning and Development Committee approved the initiatives, including the following:

"2. That residential complexes be encouraged in all parts of the CBD - including upscale projects east of James."

PLANNING DOCUMENTS THAT AFFECT THE DOWNTOWN

- Official Plan

The following policies are directly applicable to the above stated initiative:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary permitted uses in the CENTRAL POLICY AREA..., will be for the following reasons:

i) **... mixed commercial residential uses,...**

ii) **Residential uses of various housing types,** including but not limited to, single-family detached, semi detached, townhouses and apartments,...

In addition, the CBD is located within Special Policy Area 3:

"A.2.9.3.1 **The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown.** Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.2(ii);

i) It is the intent of Council to **strengthen the Residential function of this AREA** to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Council will **encourage mixed Commercial/Residential developments or redevelopments** within the Central Policy Area

and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2.;

- Central Area Plan

There are several Policies in the Central Area Plan that support the downtown initiatives. They include:

"4.1.1 To maintain and enhance the Downtown core,..., as a regional centre, a mix of uses will be encouraged. These uses are as follows:

ii) **Residential development for all levels of income, including mixed uses commercial/residential buildings;**

4.1.7 **Residential development will be actively encouraged** through actions taken by Council which may include special incentives, and land acquisition program as may be determined by special studies.

- Zoning by-law

For multiple dwellings, the parking requirement within Area "A" is 0.8 space per Class "A" dwelling unit and 1.0 space per Class "A" dwelling unit within Area "B" to the Zoning By-law (see APPENDIX "B"). The parking requirements for other residential uses is the same throughout the City.

Comparatively, parking for Commercial, Public and Institutional uses is not required within Area "A" and reduced (50%) within Area "B" (see APPENDIX "A").

- Vision 2020 - Sustainable Development

With respect to **Our Communities** (ie. land use), the goals of Vision 2020 include:

- **To encourage only that development which makes efficient, and economical use of infrastructure and services.**
- **To encourage redevelopment of Hamilton's central core as the regional centre.**
- **To reduce commuting distances.**

Furthermore, strategies include:

- **Develop in cooperation with the Area Municipalities, an initiative to encourage increased residential development above commercial strips along transit corridors.**

ACCESSIBILITY TO TRANSIT AND PARKING

The subject area has access to a high level of transit service, and is readily accessible from both public and private parking lots.

With respect to the availability of parking, staff undertook an inventory of parking lots in the CBD as part of a study in 1994 respecting the parking standards for commercial development in the CBD. The findings are summarized as follows:

	No. of Lots	No. of Spaces
Public Parking	22	3,563
Private Parking	68	7,368
TOTAL	90	10,931

The inventory was carried out during normal business hours, and it was observed that approximately 1/2 of the available spaces were utilized.

PARKING POLICY TRENDS

A parking survey of ten (10) major cities across Canada was undertaken to determine if residential development was permitted in their CBD's, and what the parking requirements were (see APPENDIX "C").

Four (4) of the ten (10) respondents (Halifax, London, Regina and St. John's) have no parking requirement for residential development in the CBD. Two (2) other cities (Winnipeg and Vancouver) have no parking requirement or reduced standards for Historic buildings and/or districts.

The remaining four (4) cities (Calgary, Montreal, Ottawa and Thunder Bay) have requirements ranging from a minimum of 0.5 space/unit to a maximum of 2.0 space/unit.

Two of the cities (London and Regina) have recently undertaken initiatives to promote the revitalization of their CBD's. Among other actions, the elimination of required parking for residential development was adopted.

Based on the findings of our survey, it would appear that current parking policy trends are intended to reduce parking requirements for residential uses within CBD's, and to promote public

transit usage. This is further substantiated by the following excerpt from the report **"PARKING IN DOWNTOWN ONTARIO"**, printed by Ontario Downtown in 1989:

> "...The major policy trend today is to reduce the amount of parking required for new downtown development. This may be to attract new developments and to achieve a more compact land use in the centre.
>
> Many mid and large-sized municipalities, which have parking requirements in their zoning by-laws pertaining to downtown, have reduced the standards for the downtown or have provided for greater flexibility in the amount or type of parking..."

Regardless of whether or not there is a parking requirement for this area, it has been our experience that developers will provide parking to satisfy market conditions.

COMMENTS:

1) As noted, the Planning and Development Department was directed to undertake an initiative to eliminate required parking for residential development in **AREA "A"** on Schedule "I" of Zoning By-law No. 6593, and reduce to 0.5 spaces for each class "A" dwelling unit in the area defined by **AREA "B"** (see APPENDIX "B").

   However, there is a concern that the proposed parking reduction for **AREA "B"**, in particular, would have a negative impact on the surrounding residential neighbourhoods, which already face parking problems. In many of these neighbourhoods, on-street parking is already at capacity; thereby, potentially worsening an existing situation.

   In addition, concern has been expressed by the public about eliminating the parking requirement for the James Street South area (**AREA "A"**). Due to the higher density zoning in that area, the impact of residential development without the provision of parking, would have spill over effects into the adjacent residential areas.

   Based on the above concerns, it is recommended the proposed boundaries for parking reductions/elimination be changed as follows:

   - to leave the existing parking requirements for residential uses in **AREA "B"** unchanged; and,

   - to reduce the boundaries of **AREA "A"** to include only that area bounded by Cannon Street, Queen Street, Hunter Street and Victoria Avenue. In that area, no parking spaces would be required for residential uses, with the exception of short term care and residential care facilities;

   for the following reasons:

- the new **AREA "A"** is a better reflection of the downtown core;

- the residential neighbourhoods adjacent to the downtown will be required to provide the full parking requirement thereby reducing any impact on these areas from on-street parking.

In addition, it should be noted the public is concerned about the impact on the adjacent residential neighbourhoods, particularly as it relates to the parking reduction proposed for **AREA "B"**.

2) From a Planning perspective, elimination of required parking for the area bounded by Cannon Street, Queen Street, Hunter Street and Victoria Avenue is worthy of consideration, in that:

- it is consistent with the thrust of current planning policy to **"strengthen the residential function of this AREA"** (Official Plan Policy 2.9.3.1 i)); and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Plan policy 4.1.7);

- the area has access to a high level of transit service;

- there is an abundant supply of public and private parking lots; and

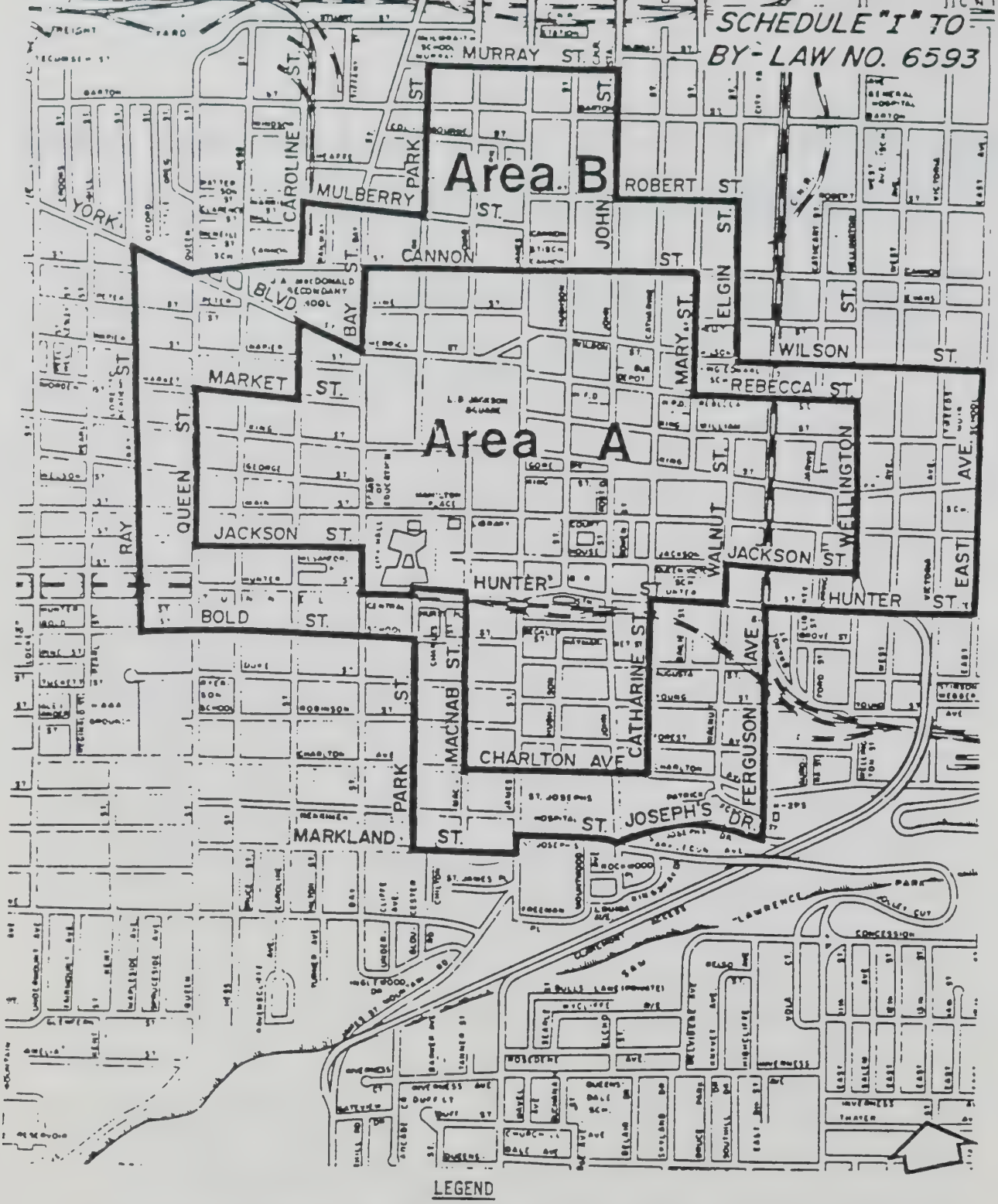
- regardless of whether or not there is a parking requirement for this area, developers will provide parking to satisfy market conditions.

2) Considering that residential care facilities and short-term care facilities are residential uses under the Zoning by-law, and are subject to capacity and a minimum radial separation distance requirement, it would be appropriate to exclude them from this initiative.

3) This city initiative is the third in a series of recent initiatives aimed at stimulating residential development in the downtown:

- On March 12, 1996, City Council passed By-law No. 96-034 respecting parking standards for residential conversions in the Central Business District. The effect of the by-law is to allow **existing non-residential buildings** (or portions thereof) within the Central Business District to be converted to residential use without providing the required parking.

- On June 25, 1996, Council approved a City Initiative respecting residential development in the CBD. More specifically, the proposal is to eliminate the minimum floor area requirement of $65m^2$ per dwelling unit for multiple dwellings.



LEGEND

Delineates boundary of those areas in which parking for Commercial, Public and Institutional uses are reduced or not required

APPENDIX "B"

CITY	REQUIREMENT
Thunder Bay	1.5 spaces/unit (no loading space)
Halifax	no requirement
St. John's	no requirement
London	no requirement
Vancouver	no requirement - listed Heritage building
	0.5 to 1.0 space/unit - Downtown South
	max. 0.6 spaces/unit and one additional space for each 100 m^2 of g.f.a., or 2.3 spaces/unit whichever is less
Calgary	min. 0.5 to a max. 1.0 spaces/unit
Regina	no requirement
Winnipeg	1 space/2 units, except in riverbank areas and Historic and Chinatown areas no requirement
Ottawa	min. 0.5 spaces/unit max. 2.0 spaces/unit
Montreal	.25 to 1.25 spaces/unit

APPENDIX "C"

APPENDIX "D"

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1996 February 14

Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director
Planning & Development
City of Hamilton

Attention: Mr. Paul Mallard

Dear Sirs:

Re: Proposed Changes to Parking Standards for Residential Conversions within the CBD - CI-96-B

Thank you for your letter, dated 1996 January 16. In response to this circulation, we offer the following comments.

Please be advised that we are opposed to the complete elimination of required parking within the CBD for residential conversions. Having stated this position, it should also be clearly understood that we fully support, the encouragement of residential uses within the CBD. It is our position that these two statements are not contradictory. We would further suggest that your draft report fails to justify the proposed recommendation and confuses the above issues.

Background Section

The background section refers to the Mayor's Task Force on Downtown Issues and Renewal, and then refers to two resolutions from the Planning and Development Committee and the Finance and Administration Committee. These resolutions direct the Director of Local Planning to prepare a report to consider allowing as-of-right zoning to permit residential conversion and does not direct the review of parking requirements. In a latter section, several existing limitations on conversions are identified within the existing zoning by-law but the report fails to examine any of these factors except for parking. We would submit that some of these other factors would appear to have a much greater impact on downtown conversion than does the existing parking requirements.

All of the quoted planning documents within the next portion of the report support the provision of residential uses within the downtown area. We fully support and encourage all of these provisions. Nowhere, however, do these policies identify parking provisions as a concern or problem.

Parking Survey

The presentation of this survey data appears to be somewhat misleading. Our review of these results would be that four of the ten cities surveyed have no parking requirements for residential uses within their CBD's and that two of these four are recent changes. The other six, a majority of the survey, do require parking and at rates similar to those required in our existing by-law. Assuming for the moment that these cities are in fact comparable to Hamilton, it therefore appears we are currently in agreement with the majority of the surveying cities.

With regards to the issues surrounding "Heritage" buildings, we have always been prepared to examine the merits of specific proposals on a site specific basis and will continue to do this. This initiative would however remove our ability to do this type of assessment and we therefore cannot support it.

By-law No. 83-86

Specific reference is made to this By-law modification along Barton Street. No discussion of alternatives is given in this report similar in direction to this existing By-law. Why?

Comments Section

The comments provided within the section provide a very simplistic review of a number of much more complex issues.

The parallels drawn between the requirements for downtown commercial parking and residential parking make no sense. These are vastly different areas which just happen to result in a common requirement, a parking space. The reasoning behind the parking requirements and any reductions within the downtown area for these two different generators are not connected. This premise has long been recognized within our own Zoning By-law and within other policies such as the Cash-in-Lieu of Parking Policy which applies to commercial uses only.

The information provided with respect to your 1994 Parking Survey is also highly misinforming. Generally, these parking spaces are of a "temporary" nature only and do not provide the type of parking needed to support residential uses. We would also request the opportunity of reviewing the details of your study because we would suspect that it fails to take into account factors such as location and peaking requirements associated with parking use. A detailed study conducted on behalf of the Parking Authority in 1989 had recommended an increase in parking inventory in the immediate area of City Hall.

The remainder of the report presents a number of planning policies with respect to encouraging residential uses within the downtown and the reduction of parking requirements within the CBD. As stated previously, we fully support these policies but do not support this proposed conclusion. In addition, the City of Hamilton already provides for a reduction in residential parking requirements within the CBD. We would therefore submit that we have been ahead of the trends suggested within the report.

In summary, the report fails to provide any justification which would support this recommendation. While we fully support and encourage the provision of residential use within the CBD, we are opposed to this proposed elimination of required parking. Individual proposals should be evaluated based on their specific merits.

Yours truly,

R. Karl, P. Eng.
Manager of Traffic Planning

RK/ca

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CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 26

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: Gore Heritage Design Study

RECOMMENDATION:

That approval be given in principle to the Gore Heritage Design Study to improve the architectural streetscape of the Gore (King St. East from James St. to Catharine St.); and

That the Planning and Development Department in conjunction with other departments, as appropriate, be authorized to prepare implementation of initiatives identified in the Gore Heritage Design Study.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

V. J. Abraham

J. G. Pavelka

BACKGROUND:
At its July 3, 1996, the Planning and Development Committee authorized a Public Information Meeting to discuss the various options proposed in the Gore Heritage Design Study.

The Gore Heritage Design Study was initiated by the Mayor as a result of the conclusions of the Mayor's Task Force on Downtown Issues and Renewal. The need to improve the appearance of the buildings was recognized as important to the revitalization of the downtown. A Heritage Study was requested specifically for the Gore Area identified as King St. East between James St.

and Catharine St.

The Planning and Development Department subsequently undertook the Gore Heritage Design Study. As the heart of the Downtown and centrepoint of the City, the Gore is of major public importance and the consideration of any initiatives for the Gore warranted public participation.

Notification and Public Participation

In order to inform interested parties and the general public about the Gore Heritage Design Study, the department has undertaken a number of actions.

Presentations were made to:

Downtown Initiatives Committee	Jan. 10, 1996
GHDCDC	Jan. 15, 1996
CAPIC	Feb. 9, 1996
LACAC	Feb. 26, 1996
Downtown BIA	April 9, 1996

All the above committees supported in principle the Gore Heritage Design Study.

Draft copies of the Gore Heritage Design Study were distributed to Council members, relevant city and regional departments, interested committees and the public. Comments are being incorporated into the final version.

All property owners of the Gore buildings were notified in July 1996 of the completed Gore Heritage Design Study and offered copies. They were again notified in September 1996 for the Public Meeting on October 2, 1996.

An advertisement for the October 2nd Public Meeting was placed in The Spectator, on September 23, 1996; the public was invited to review copies of the Gore Heritage Design Study in the Planning and Development Department.

SUMMARY OF THE GORE HERITAGE DESIGN STUDY

It should be noted that the intent of this Study is to focus on only one aspect of the multi-faceted and complex problems of the downtown, namely, the rescue and enhancement of the visual quality and dynamic character of the Gore's architectural streetscape. The Study is not meant to stand alone, but rather be integrated into a comprehensive, long-term solution for the downtown which would coordinate issues of economic development, traffic, housing, taxation, parking, recreation etc.

The Gore Heritage Design Study is intended to serve as a background study and source book for all who may have an interest in these buildings, not only Council, City Hall and the public, but also present and prospective property owners, tenants, developers, architects, planners, real estate agents, downtown coordinator, consultants, the Downtown B.I.A. etc.

Goals of the Study

The Study affirms that the long-term goal for the Gore is *to make it once again the vibrant, attractive, pre-eminent centre of Hamilton's downtown;* and that the immediate goal is *to identify a means to preserve and enhance the special character of the Gore,* specifically, its distinguished architectural streetscape.

Structure and Purpose of the Study

Part I of the Study identifies and evaluates existing resources which contribute to the special character of the Gore: its history, its open space (park and public square) and its buildings. Current planning policies and regulations are examined for their effect on new development.

The purpose of this assessment is to determine the public value of the Gore to the City, the quality and potential of its present architectural resources, and the appropriateness of current regulations.

Part II of the Study presents various planning options which could provide additional support to the specific goal of strengthening the Gore's special character. Illustrated future design concepts are presented for each block to show the transformation of the Gore, should the over-sized signage be removed, storefronts coordinated, windows on the upper facades unboarded, and missing architectural features restored.

The purpose of this approach is to determine whether the City could be better served by establishing a common vision for the Gore and introducing new planning strategies which support it.

Appendix: The Inventory of Gore Buildings provides a brief illustrated report for every building on the Gore, giving its history, current status, and architectural potential.

The purpose of these individualized profiles is not only to educate the public but also to promote the inherent quality of the structure and its potential to current and prospective property owners and tenants.

Conclusions of the Study

-With its distinction as the heart of the downtown, as the City's central public square and garden park, and as a collective streetscape representing 150 years of development, the Gore is an urban place of paramount importance to the City of Hamilton;

-Given this importance and in light of the current threats to its architectural continuity, the Gore warrants a new strategic approach designed specifically to support and reinforce the survival of its special character;

-This new strategic approach should consist of a combination of policies, actions and incentives

which could stimulate and encourage the revitalization of the Gore architectural streetscape. These actions are identified on the attached page.

COMMENTS

The many civic committees and municipal departments which have either had presentations or reviewed the document all have indicated support in principle of the Gore Heritage Design Study.

Currently, precedents for this new strategic approach can be found in a number of communities: Toronto, for example, has recently established new planning measures for revitalizing the warehouse districts of King-Parliament and King-Spadina and for rescuing and restoring the historic commercial district of Yonge Street.

The conclusions of the Hamilton Society of Architect's Downtown Charrette, which took place on 1996 June 21-22, and which will be presented to the Committee of the Whole on 1996 October 8, reinforce the Gore Study. They identified "the wealth of heritage buildings in the City" as a major asset for the revitalization of Hamilton's downtown. Among the recommendations put forward by the professionals and their five teams was the need for incentives to encourage re-use of this building stock and for development criteria and a development permit system for new construction.

Finally, a new strategic approach for managing change in the Gore is considered mandatory if the Gore is not to lose its special character and sense of place. The Gore can, therefore, serve as a pilot project and its successful strategies could be subsequently applied to other historic commercial areas in the City, where revitalization is needed.

PLANNING OPTIONS AND INCENTIVES IDENTIFIED IN THE GORE HERITAGE DESIGN REPORT

Introduction

It is not expected that improvements to the building facades, signage, and storefronts would precede economic revitalization of the Gore. The City has recently undertaken numerous coordinated initiatives on a limited time basis which are designed to stimulate economic activity including waiving development charges, refunding zoning and building permit fees, eliminating 5% parkland dedication, making some public parking free of charge, and no longer requiring parking for residential development downtown.

In addition, the Zoning By-law for the downtown ("I") encourages a wide variety of uses which facilitates economic renewal; in addition, Council recently approved a zoning modification to permit a greater number of housing units in the downtown.

The following actions identified in the Gore Heritage Design Report are targeted specifically at revitalizing the Gore architectural streetscape.

ACTION	PURPOSE	RESPONSIBILITY
Planning Policies		
Special Policy Area for the Gore in the Official Plan for the City of Hamilton.	To establish the Gore as a site requiring special initiatives.	Planning and Development Dept.
Heritage Planning Statements	To identify features and attributes that define the special character of the Gore. To provide clear description of municipal intent.	Planning and Development Dept.
Building Improvement		
An illustrated future design concept for the existing building stock.	To provide a common vision for the Gore streetscape in order to coordinate all building improvment efforts, thereby, maximizing the end result.	Planning and Development Dept. (display boards completed)
Preparation of "Guidelines for Gore Building Improvements"	To ensure a consistent, mutually beneficial and equitable approach to building improvements, to serve as a basis for heritage funding program, if approved.	Planning and Development Dept.

ACTION	PURPOSE	RESPONSIBILITY
Signage Control By-Law for the Gore	To require new signs meet an appropriate standard in size, location and design. To reduce visual clutter.(see funding)	Planning and Development Dept. Building Dept. Representatives business community
Preparation of "Design Guidelines for Storefronts"	To ensure a coordinated and effective storefront renovations; to serve as basis for funding, if available.	Planning and Development Dept.
<u>New Construction</u>		
Preparation of "Building Envelopes" for each individual building site	To ensure that new buildings do not block the sun from the Gore; that at street frontage they relate compatibly with surrounding buildings; that increased density is provided through the device of set-backs.	Planning and Development Dept.
Preparation of "Design Guidelines for New Construction"	To ensure that new buildings contribute to the cohesiveness of the streetscape without specifying architectural style. Maximum and minimum heights to be established at the street frontage.	Planning and Development Dept.
<u>Funding Assistance</u>		
Funding for the conversion of vacant space to housing	To help increase housing units in the downtown, bring people into the downtown day and night, and make use of the upper floors of commercial buildings.	Building Dept. Convert-To-Rent Program Council Approved.
Facade Restoration Funding Program	Four-year matching grant program to jump-start improvements to building facades, if funding approved. Eligible projects could also include removal of incongruous signage; improvements to storefronts, according to Guidelines;	Planning and Development Dept. Building Dept. Treasury Dept.
Tax Rebate Program	To be applied to heritage buildings to defer increase in tax assessments due to building improvements for five or ten year program.	Planning and Development Dept. Treasury Dept.

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 Sept 24

2a

OFFICE OF THE CITY CLERK

MEMORANDUM

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TO:	Tina Agnello, Secretary Planning and Development Committee	YOUR FILE:	
FROM:	Charlene Touzel, Secretary Local Architectural Conservation Advisory Committee City Clerk's Department	OUR FILE: PHONE:	 546-3994
SUBJECT:	Gore Heritage Design Study	DATE:	1996 September 23

The Local Architectural Conservation Advisory Committee has been advised that the Planning and Development Committee will hold a Public Meeting on 1996 October 2 to inform the public of various new planning options which are now available and which are being considered for Hamilton's Gore streetscape in order to improve existing buildings and to ensure the compatibility of new construction.

The Committee at its Special Meeting held 1996 September 23 reviewed the Gore Heritage Design Study as prepared by the Planning and Development Department and wishes to advise the Planning and Development Committee that it enthusiastically supports this Study in principle.

The planning options presented in the Study offer a major opportunity for revitalizing the Gore streetscape. The findings of the Hamilton Society of Architects' Downtown Charrettes held on 1996 June 21-22 which will be presented to the Committee of the Whole on 1996 October 8, identify the heritage buildings as a major asset for the future revitalization of the City's downtown core and support the planning options in the Design Study.

The Committee looks forward to working with Planning and Development Department Staff on the implementation of the proposals contained in the Gore Heritage Design Study.

Touzel

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

3a)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 6 1996

DATE: 1996 September 26
(ZAC-94-32 & SAC-94-04)
Gourley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision and Change in Zoning - Lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue.

SECOND REPORT

RECOMMENDATION:

Subdivision Application

(a) That approval be given to Subdivision Application 94-04 Starward Homes Ltd. & Ward Campbell/Brian Morison, owners, for a draft plan of subdivision "Orchards North", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 46 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) and 22 lots for small lot interlink single family dwellings, in the Gourley Neighbourhood, under Regional File 25T-94012, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke O.L.S., dated December 8, 1994, and revised in red, showing 46 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes), 22 lots for small lot interlink single family dwellings, and 8 Blocks to be developed with adjoining lands (Blocks 132 - 140 inclusive) and 1 Block for Freeway widening (Block 141), as shown on the attached map marked as APPENDIX "B";

(ii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot, each block and the gross area of the Subdivision in the Final Plan;

(iii) That the final plan conform with the Zoning By-law approved under the Planning Act;

(iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

(v) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

(vi) That the streets be named to the satisfaction of the City of Hamilton;

(vii) That the owner prepare a municipal street numbering plan to the satisfaction of the Director of Planning and Development;

(viii) That Lots 127, 130 and 131 not be developed until the adjacent lands of this plan have been registered under a plan of subdivision or alternatively, that the owner acquire the necessary lands to extend the roadway for each lot to Chester Avenue and that these lands be conveyed to the City by reference plan and deed;

(ix) That the owner submit a typical utility service and driveway layout for the proposed quattroplex lots (Lots 8-16 inclusive and 105, 109 & 113) for approval by the Regional Environment Department, prior to registration of the final plan of subdivision;

(x) That the owner convey the necessary lands to the City to establish the road allowance on Brigadoon Drive, adjacent to the flankage of Lot 33, to its full width of 20.0 metres prior to registration of the final plan of subdivision;

(xi) That the owner convey the necessary lands to the City to establish the cul-de-sac bulb on Street "A", to the satisfaction of the Commissioner of Transportation, adjacent to Lots 72 to 78 (inclusive) to its full width (15.0 metre radius) prior to registration of the final plan of subdivision;

(xii) That the owner acquire the necessary lands to establish the road allowance adjacent to Lot 127 and Block 136 to its full width of 20.0 metres prior to registration of the final plan of subdivision;

(xiii) That the centerline radius of the road allowance for Brigadoon Drive adjacent to Lots 35 to 38 (inclusive) of the proposed draft plan of subdivision be increased to a minimum radius of 110.0 metres or alternatively, a 90 degree bend be incorporated into the road allowance at this location;

(xiv) That the owner provide 9.0 metre radius transitional curves on both ends of the bulb on Street "B" adjacent to Lots 17 and 22 of the proposed draft plan of subdivision;

(xv) That the owner establish a 3.0 x 3.0 metre daylight triangle on the corner of Lot 115 of the proposed draft plan of subdivision;

(xvi) That the owner establish a 1.0 x 1.0 metre daylight triangle on the corner of Lots 25, 102 and 116;

(xvii) That the owner establish 0.30 metre reserves along the open side of the road allowance on Street "A" and Brigadoon Dive and at the dead-end of the road allowance on Street "B";

(xviii) That Street "C" be revised in accordance with the revision to the road design through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves;

(xix) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units;

(xx) That the owner provide documentation that the standard roadway cross-section, utilities and municipal sidewalks, etc., for a 20.0 m road allowance, can be installed on both sides of Street "A" and Street "B", proposed at 18.0 m width to the satisfaction of the Manager of Development, Regional Environment Department;

(xxi) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority;

(xxii) That Blocks 132 - 140 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands;

(xxiii) That the lot fabric of the final plan of subdivision conform to the road pattern as shown on the approved neighbourhood plan; and,

(xxiv) That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-94-04/25T-94012) Starward Homes Ltd. & Ward Campbell and Brian Morison, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the adjacent Draft Approved plan of Subdivision "Fontana Gardens" (Regional File No. 25T-88016) be revised to reflect the revised neighbourhood road pattern and that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant construct Chelsey Street where it abuts the draft plan of subdivision to the satisfaction of the Regional Commissioner of Environment.

(d) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Zoning Application

(e) That Zoning Application ZAC-94-32, Starward Homes Ltd. & Ward Campbell/Brian Morison owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks "1", "3", and "9"); "DE" (Multiple Dwellings) District, modified, (Block "2"); "C" (Urban Protected Residential, etc.) District (Blocks "4", "10" and "11"); and, "R-4" (Small Lot Single Family Dwelling) District (Blocks "5", "6", "7" and "8"), for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, as shown on the attached map marked APPENDIX "A", be approved on the following basis:

(i) That Blocks "1", "3", and "9" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District;

(iii) That Blocks "4", "10" and "11" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iv) That Blocks "5", "6", "7" and "8" be rezoned from "AA" (Agricultural) District "R-4" (Small Lot Single Family Dwelling) District;

(v) That the "DE" (Multiple Dwellings) District, as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements;

(a) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

1) a quattroplex dwelling;

(b) That notwithstanding Section 10A.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2.0 storeys in height;

(c) That notwithstanding Section 10A.(3) of Zoning By-law No. 6593, the following shall apply:

1) Minimum Front Yard

a) A front yard of a depth of at least 16.0 m;

b) For a through lot where the private outdoor amenity area is provided in the front yard, a front yard depth of at least 11.0 m;

c) For a through lot where the private outdoor amenity area is provided in the side yard, a front yard depth of at least 6.0 m; and,

d) For a through lot where a garage faces a front yard, the minimum setback to the front of the garage shall be 6.0 m;

2) Minimum Rear Yard

a) A rear yard of a depth of at least 6.0 metres;

3) Minimum Side Yard

a) For the two dwelling units closest to the front lot line, a minimum side yard along each side lot line, of a width of at least 3.0 m;

b) For the two dwelling units closest to the rear lot line, a minimum side yard along each side lot line, of a width of at least 1.2 m;

c) For a through lot a minimum side yard along each side lot line of a width of at least 1.2 m;

(d) That notwithstanding Section 10A.(4) of Zoning By-law No. 6593, the following shall apply:

1) each quattroplex dwelling on a lot shall have a lot area not less than 800.0 m^2 and a width of not less than 20.0 m; and,

2) each quattroplex dwelling on a through lot shall have a lot area not less than 880.0 m^2 and a width of not less than 22.0 m;

(e) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, the following shall apply:

1) not less than 45% of the area of the lot shall be used for landscaped area;

2) each dwelling unit shall be provided with a private outdoor amenity area; and,

3) an externally accessible storage shed, having a minimum gross floor area of 2.0 m^2 and a maximum height of 2.25 m, shall be incorporated into the amenity area for each dwelling if no garage is provided.

(f) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, the following shall apply:

1) Each dwelling unit in a quattroplex dwelling shall be provided with a minimum of two parking spaces;

2) The required parking spaces for each dwelling unit may be stacked;

3) A parking space shall be a rectangular area having a minimum, unobstructed width of 2.7 m and a minimum unobstructed length of 5.4 m;

4) For interior lots each parking area shall be provided with bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area;

5) The minimum width of a driveway shall be 2.8 m and the maximum width shall be 5.5 m;

6) The maximum number of driveways on a lot shall not exceed 4;

7) No driveway shall be located closer that 0.8 m to another driveway and no closer than 0.4 m to a side lot line;

8) Section 18.(14) of Zoning By-law No. 6593 shall not apply; and,

9) Section 18A.(14a) of Zoning By-law No. 6593 shall not apply;

(g) Notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, the following provisions shall apply:

1) A roofed-over but otherwise unenclosed porch may project a maximum of 2.0 m into the front yard;

2) A roofed-over but otherwise unenclosed porch for the two dwelling units closest to the rear lot line shall be permitted in the side yard provided that the porch is located a minimum of 1.2 m from the side lot line;

(h) For the purpose of Subsection (e)(v)(a), the following shall apply:

1) **Dwelling, Quattroplex** shall mean a building not more than one single family dwelling in height, designed to contain four dwelling units, attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,

(a) has a separate front entrance; and

(b) is joined on one side by a party wall to another dwelling unit in the same row; and

(c) is joined by a common vertical back wall.

(i) For the purpose of Subsection (e)(v)(e), the following provisions shall apply:

1) Private Outdoor Amenity Area shall mean a landscaped open space area abutting a dwelling unit, having a minimum area of 30.0 square metres, excluding any area occupied by an accessory shed, and a minimum width and depth of 4.5 metres, which may be located in any yard provided it is a minimum distance of 11.0 metres from the front lot line, and a minimum distance of 5.5 metres from any street for a through lot; and,

2) The private amenity outdoor area for each dwelling unit shall be enclosed by a visual barrier having a minimum height of 1.8 metres and a maximum height of 2.0 metres;

(j) That notwithstanding Section 18(4)(iv) of Zoning By-law No. 6593, the following shall apply:

1) An accessory shed is permitted in any required yard, provided that the accessory shed is located in the Private Outdoor Amenity Area and is a minimum of 0.45 m from the side lot line and rear lot line.

(k) That notwithstanding Section 6.(19) of Zoning By-law No. 6593, the following shall apply:

1) Notwithstanding any other provision of this By-law, no residential structure be located closer than 17.5 m from the Mountain Freeway right-of-way; and,

2) Notwithstanding any other provision of this By-law, no structure shall be located within 10 m of the limits of the Mountain Freeway.

(vi) That the "R-4" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to Blocks "5", "6", "7" and "8", be modified to include the following variances as special requirements:

(a) That notwithstanding Section 9A(1) of Zoning By-law No. 6593, only the following use shall be permitted:

1) A single family dwelling;

(b) That notwithstanding Section 9A.(2)(a) of Zoning By-law No, 6593, the following shall apply:

1) No building or portion of a building shall exceed 1 storey and 4.5 metres in height for that portion of the building located within 3.5 metres or less of any rear lot line;

(c) That notwithstanding Section 9A.(2)(b)(1)(i) of Zoning By-law No. 6593, the following shall apply:

1) A front yard having a depth of not less than 3.5 m to the main wall of the dwelling;

2) A front yard having a depth of not less than 7.0 m to the garage or carport where the lot fronts onto a 18.0 m road allowance

(d) That notwithstanding Section 18A.(1)(e) of Zoning By-law No. 6593, a manouvering space having a unobstructed width of 2.7 m and a minimum unobstructed length of 7.0 m shall be provided and maintained;

(e) That in addition to the requirements of Section 9A.(2)(b)(1)(iv) of Zoning By-law 6593, the following shall apply:

1) A minimum landscaped open space area of 41 m^2 having a minimum width of 5.50 m and a minimum depth of 6.0 m shall be provided and maintained in the rear yard;

(f) That notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, the following shall apply:

1) No interior lot for a single family dwelling shall have a lot area of less than 220 m^2 or a lot width of less than 11.0 m;

2) No corner lot for a single family dwelling shall have a lot area of less than 220 m^2 or a lot width of less than 12.0 m;

(g) That a visual barrier of not less that 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the rear and side lot line and side lot line where it abuts the rear yard;

(h) No door, window or other opening shall be permitted in the wall of a dwelling where the wall is within 3.5 m or less, of the rear yard landscaped area of an abutting property and faces said rear yard landscaped area;

(i) That notwithstanding Sections 18.(4)(i) and 18.(13) of Zoning By-law No. 6593, no accessory building or structure shall be permitted.

(vii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the Blocks "2", "5", "6", "7", and "8", on Zoning District Map W-17B be notated S - ;

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council;

(ix) That the By-law not be forwarded to Council until such time as the applicant has submitted a revised plan of subdivision incorporating the revision to Street "C" through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves;

(x) The application complies with the City of Hamilton Official Plan.

(f) That the approved Gourley Neighbourhood Plan be amended as follows (see APPENDIX "F"):

(i) From "Attached Housing" to "Single and Double Residential" for the three small lot singles (Lots 6, 7 and 17);

(ii) That the proposed quattroplexes and interlinks be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note;

(iii) That the road pattern be revised to incorporate Street "B", as shown on the "Orchards North" proposed plan of subdivision;

(iv) That Appleblossom Drive, north of Chester Avenue and south of Street "A", on the "Orchards North" proposed plan of subdivision, be shifted westerly such that the road allowance is located within the limits of the original road allowance between Lots 16 and 17; and,

(v) Redesignation of the proposed 10 m wide sewer easement located between Chesley Street and Street "A" from "Utilities" to "Single & Double" residential.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide changes in zoning for lands located in the area south of the proposed Mountain Freeway, and west of West Fifth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

Blocks "1", "3", and "9"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;
Block "2"	-	from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District, modified;
Blocks "4", "10" and "11"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
Blocks "5", "6", "7" and "8"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, modified.

The effect of the by-law is to permit development of the subject lands as outlined below:

Blocks "1", "3", and "9"	-	51 Small Lot Single Family Dwellings;
Block "2"	-	12 Quattroplex (fourplex) Dwellings (total of 48 units);
Blocks "4", "10" and "11"	-	46 Single Family Dwellings; and,

Blocks "5", "6", "7" and "8" - 22 Small Lot Interlink Single Family Dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Starward Homes Ltd. & Ward Campbell/Brian Morison.

Agent and Surveyor:

Barry J. Clarke, O.L.S., A.J. Clarke and Associates Limited, Hamilton.

Location:

The lands are located south of the proposed Mountain Freeway and west of West Fifth Street, in the Gourley Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is comprised of two parcels of land with a total area of approximately 7.99 hectares. The larger parcel of land has an irregular configuration and has:

- a width of approximately 240 metres (787 feet);
- a maximum depth of approximately 367 metres (1,204.1 feet); and,
- a lot area of approximately 7.64 hectares (18.9 acres).

The second parcel of land has:

- a width of 19.6 metres (65.5 feet);
- a depth of approximately 180.5 metres (592 feet); and,
- a lot area of approximately 0.35 hectares (0.87 acres).

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural)" District
Surrounding Land Use		
to the north	Attached Housing and Low Density Apartments	"RT-10" (Townhouse) District, modified, "RT-20" (Townhouse - Maisonette) District, modified, "DE" (Low Density Multiple Dwellings) District, modified, "DE-2" (Multiple Dwellings) District, modified, and "AA" (Agricultural) District
to the south	Institutional and Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the west	Single Detached Dwellings	"R-4" (Small Lot Single - Family Dwelling) District, "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, and "AA" (Agricultural) District

SUBDIVISION PROPOSAL

The applicant is proposing to establish a plan of subdivision, "Orchards North", comprising of 46 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) 22 lots for small lot interlink single family dwellings, 9 Blocks to be developed with adjoining lands, and 1 Block for Freeway widening.

REZONING PROPOSAL

The applicant is requesting the following changes in zoning as shown on APPENDIX "A":

Blocks "1", "3", and "9" - from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;

Block "2"	-	from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District, modified;
Blocks "4", "10" and "11"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
Blocks "5", "6", "7" and "8"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, modified.

Planning and Development Committee:

Planning and Development Committee at its meeting of September 18, 1996, tabled consideration of the proposed changes in zoning and subdivision application. The application was tabled to allow for the applicant to meet with staff to finalize the conditions of draft plan approval and the proposed zoning provisions for the quattroplexes.

Hamilton-Wentworth Official Plan:

The lands are within the "Urban Policy Areas" and identified as "Proposed Development, Residential and Related Uses". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed plan of subdivision and changes in zoning comply with the intent of the Official Plan.

Neighbourhood Plan:

The lands are designated "Single & Double Residential" and "Attached Housing - Innovative Housing" in the approved Gourley Neighbourhood Plan. The proposed quattroplexes and interlinks are identified in the Neighbourhood Plan as an area of "Innovative Housing". However, amendments to the Neighbourhood Plan are required to recognize the road pattern and lotting configuration as shown on the proposed draft plan of subdivision.

Comments Received:

- The Hamilton Region Conservation Authority had no objection to the proposed changes in zoning.

- Traffic Division, Department of Public Works and Traffic has advised:

"The development as proposed will generate a significant increase in traffic volumes on the existing local streets in the neighbourhood. Therefore, we recommend that development of the subject lands be conditional on the establishment of the local streets between the subject lands and Chester Avenue in order to provide access to the development from both West 5th Street and Garth Street."

After reviewing conceptual information regarding the quattroplex units and interlink housing, the Traffic Department has advised:

"1. It is our understanding that the quattroplex units will be considered as multiple dwellings for the purpose of calculating required parking. Therefore, each block will require off-street parking at the rate of 1.25 spaces per unit or 5 spaces.

Our review of the concept plan indicates that only one parking space per unit is to be provided on private property for the units on the north side of Street B. It should be noted that the promotional material submitted by the applicant indicates that each unit has two private parking spaces when in fact one space will be located partially on the road allowance which is not within the control of the developer. This may be misleading to potential buyers of these units.

2. By reducing the road allowance from the standard 20.0 m to 18.0 m and maintaining an 8.5 m pavement width, the number of vehicles that can be accommodated off-street may be limited to one vehicle per unit. In the event that the final plans include sidewalks on the north side of Street B, space for only one vehicle will be available.

The minimal amount of off-street parking provided will increase the demand for on-street parking. However, the number and proximity of the driveways along the frontage of Street B, will minimize and/or eliminate the availability of on-street parking. We anticipate that if the development proceeds as proposed, there will be a significant shortage of parking in the area.

Therefore, it is essential that the parking provided for the units on the north side of Street B meet the minimum requirements of the Zoning By-law and we would suggest that the road allowance be increased to the standard 20.0 m to maximize the number of vehicles that can be accommodated off-street.

3. We recommend that the 6.0 m front yard requirement for single family residential development be maintained for the area in front of the garages of the interlink homes in order to provide the opportunity to park one vehicle in the required parking space in the garage and one vehicle on private property in front of the garage.

4. We recommend that the individual 2.7 m wide driveways be combined as 5.4 m wide double driveways to maximize the size of the landscaped areas, facilitate maintenance and improve the appearance of the development. It should be noted that it appears that the total paved area proposed in the front yards of the quattroplex units exceeds that permitted by the Zoning By-law, 50%, for one, two and three family dwellings."

- The Regional Environment Department, Development Division advised:

"We have the following comments and recommendations with regard to the above noted draft plan of subdivision as submitted to the City stamped with the date 1995 December 20.

RECOMMENDATIONS:

1. That Lots 127 and 130 not be developed until the adjacent lands to the south of this plan have been registered under a plan of subdivision or alternatively, that the owner acquire the necessary lands to extend the roadway for each lot southerly to Chester Avenue and that these lands be conveyed to the City by reference plan and deed.

2. That the owner acquire the necessary lands to provide a second access to the subdivision lands from either Chesley Street or Annabelle Street in the first phase of development.

3. That the owner submit a typical utility service and driveway layout for the proposed quattroplex lots (Lots 8-16 inclusive and 105, 109 & 113) for approval by the Roads Department, prior to registration of the final plan of subdivision.

4. That the owner convey the necessary lands to the City to establish the road allowance on Brigadoon Drive, adjacent to the flankage of Lot 33, to its full width of 20.0 metres prior to registration of the final plan of subdivision.

5. That the owner convey the necessary lands to the City to establish the cul-de-sac bulb on Street "A", adjacent to Lots 72 to 78 (inclusive) to its full width (15.0 metre radius) prior to registration of the final plan of subdivision.

6. That the owner acquire the necessary lands to establish the road allowance adjacent to Lots 127 & 130 and Blocks 131 & 134 to its full width of 20.0 metres prior to registration of the final plan of subdivision.

7. That the centerline radius of the road allowance for Brigadoon Drive adjacent to Lots 35 to 38 (inclusive) of the proposed draft plan of subdivision be increased to a minimum radius of 110.0 metres or alternatively, a 90 degree bend be

incorporated into the road allowance at this location.

8. That the owner provide a 9.0 metre radius transitional curves on both ends of the bulb on Street "B" adjacent to Lots 17 and 22 of the proposed draft plan of subdivision.

9. That the owner establish a 3.0 x 3.0 metre daylight triangle on the corner of Lot 115 of the proposed draft plan of subdivision.

10. That the owner establish 0.30 metre reserves along the open side of the road allowance on Street "A" and Brigadoon Dive and at the dead-end of the road allowance on Street "B".

11. That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

FOR INFORMATION:

1. Municipal road access is existing on Brigadoon Drive to service Lots 1 to 126 (inclusive) of the proposed draft plan of subdivision.

2. Municipal road access is existing on Chesley Street to service Lots 128 and 129 of the proposed draft plan of subdivision.

3. Municipal road access is not available to service Lots 127 and 130 of the proposed draft plan of subdivision.

4. For the information of the Planning and Development Department, since the original draft plan submission, the owner has revised the draft plan to include Lot 131 and Block 132 on the east side of the future extension of Annabelle Street, directly adjacent to their lands to be severed under Land Division Committee application H-65-94. In the event that the severance application were to expire and the subdivision plan, in its revised form were to be registered first, then the lot to be severed would be created by default as a land locked parcel. For this reason we recommend that the draft plan remain in its original form, stamped with the date December 20, 1994.

The submitted plan as prepared by B.J. Clarke, O.L.S., stamped with the date December 20, 1994, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

- The implementing changes in zoning were prepared in conjunction with the Building Department.

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.

2. The proposal complies with the approved Gourley Neighbourhood Plan. The area designated "Attached Housing - Innovative Housing" includes cluster housing, small lot singles and retirement village as possible uses. Examples of the proposed interlink development and quattroplex units is attached as APPENDICES "C", "D" and "E" respectively.

   The following amendments to the neighbourhood plan are required (see APPENDIX "F"):

   (i) From "Attached Housing" to "Single and Double Residential" for the three small lot singles (Lots 6, 7 and 17);

   (ii) That the proposed quattroplexes and interlinks should be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note;

   (iii) That the road pattern be revised to incorporate Street "B", as shown on the "Orchards North" proposed plan of subdivision;

   (iv) That Appleblossom Drive, north of Chester Avenue and south of Street "A" on the "Orchards North" proposed plan of subdivision; be shifted westerly such that the road allowance is located within the limits of the original road allowance between Lots 16 and 17; and,

   (v) Redesignation of the proposed 10 m wide sewer easement located between Chesley Street and Street "A" from "Utilities" to "Single & Double" residential.

3. The proposed quattroplex dwellings are an innovative housing form that have been constructed in Brampton and Waterdown. The quattroplex design provides for development to occur at a density similar to that of a townhouse development (ie 45-50 units per hectare) but the quattroplexes as built have a house form and provide grade - related residential housing. From the street, the proposed quattroplexes will have the appearance of semi-detached dwellings. As each of the dwelling units within the quattroplex are intended to function independently with separate entrances, parking and amenity areas, the following special requirements should be required:

   - in order to provide distinct and separate amenity areas, the applicant should be required to provide separate private outdoor amenity areas with a minimum size of 30.0 sq. m.;

- the private outdoor amenity areas should be enclosed by a privacy fence having a minimum height of 1.8 m and a maximum height of 2.0 m;

- an externally accessible storage area, having a minimum gross floor area of 2.0 square metres, should be incorporated into each dwelling unit as part of the dwelling unit design, if no garage is provided;

- if no garage is provided then provision for two parking spaces per unit should be required in the front yard. To minimize the extent of the front yard utilized for parking, the applicant should be required to provide cast-in-place raised concrete curbs around each parking area and that the parking areas for each unit be separated by a 1.5 m strip;

- in order to provide separate entrances on interior lots, then the side yard setback should be increased for that portion of the dwelling adjacent to the front two dwelling units in the quattroplex.

4. The interlink lots enables the development of single detached dwellings at the equivalent to street townhouse densities. Due to the interlink lotting pattern, the rear yard amenity area is reduced by 50% compared to a traditional lotting pattern. Furthermore, as the applicant has requested a zero-lot line configuration, then the applicant should be required to provide the following special requirements to provide adequate natural light for the rear amenity area:

   - a minimum landscaped open space area of 41 m^2 having a minimum width of 5.50 m and a minimum depth of 6.0 m should be required in the rear yard of each interlink lot;

   - in order to provide privacy, a visual barrier of not less that 1.2 m in height and not greater than 2.0 m in height, should be required around the perimeter of the rear yard for each interlink lot;

   - the height of that portion of the dwelling adjacent to the rear amenity area should be restricted to 4.5 m or 1 storey in height; and

   - no windows or doors should be permitted within 3.5 m of the rear lot line or landscaped area of an abutting property.

   The applicant has requested a minimum front yard of 3.5 m. However, a minimum front yard of 7.0 m should be required for the garage or carport to provide additional off-street parking opportunities.

5. As a condition of draft plan approval, the applicant will be required to convey a 10.0 metre wide easement, by reference plan and deed, in favour of the Region for the purpose of constructing a noise berm along the north limit of Lots 1 to 20 (inclusive) of the proposed draft plan of subdivision. As a result of this, a special provision in the Zoning By-law should be provided to modify building setbacks from the limits of the Mountain Freeway.

6. There is a draft approved plan of subdivision on the adjacent lands ("Fontana Gardens"). As a condition of draft approval for "Fontana Gardens", the applicant is required to revise the centre line radius through the "S-bend" curves to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves. As a condition of draft plan approval for "Orchards North", the applicant will be required to revise the road geometry of Street "C" in accordance with "Fontana Gardens".

7. Approval of the application will necessitate an amendment to the approved Gourley Neighbourhood Plan and a revision to the adjacent draft approved plan of subdivision "Fontana Gardens". The revision to the neighbourhood plan will facilitate the servicing of the neighbourhood, provide for a second access point and will eliminate the need for a sewer easement from Chesley Street to Street "A". In this regard, the Regional Environment Department and the Regional Roads Department have recommended that the neighbourhood plan be amended accordingly. The adjacent land owner has advised that they have no objection to the revisions to the Neighbourhood Plan or their plan of subdivision.

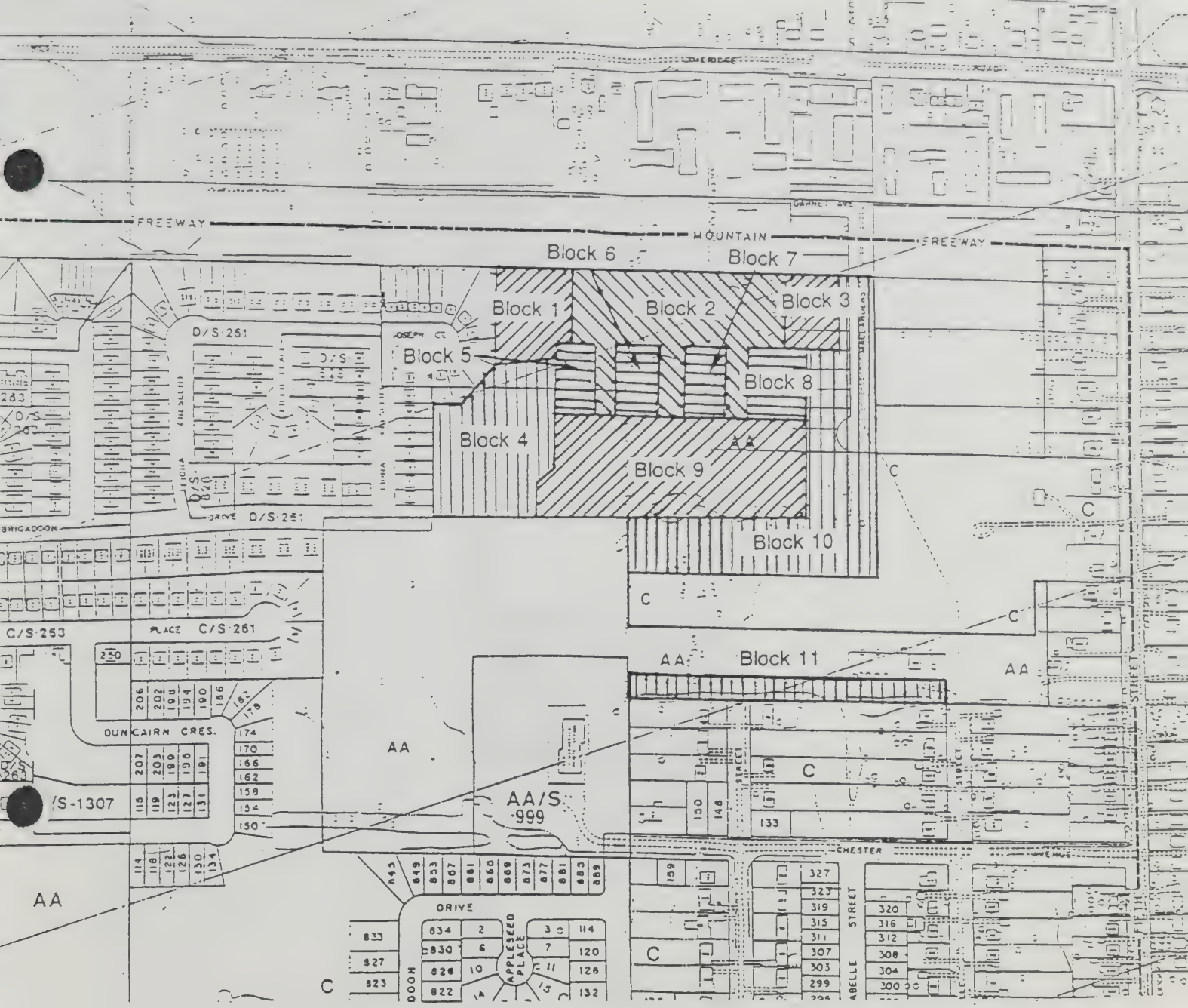
   The revisions to the Neighbourhood Plan will require that the City retain ownership of the unopened road allowance adjacent to the lands owned by the Hamilton Board of Education. The Law Department has advised that in 1972, the City agreed to transfer these lands to the Board of Education but that the unopened road allowance was never deeded to the School Board. As such, should Council approve the revisions to the Neighbourhood Plan, then staff will be required to negotiate with the applicants and the School Board regarding the development of a road within the existing limits of the unopened road allowance.

8. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it provides for an alternative form of affordable housing; and,
   - it is compatible with existing and proposed development in the area.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.



Legend

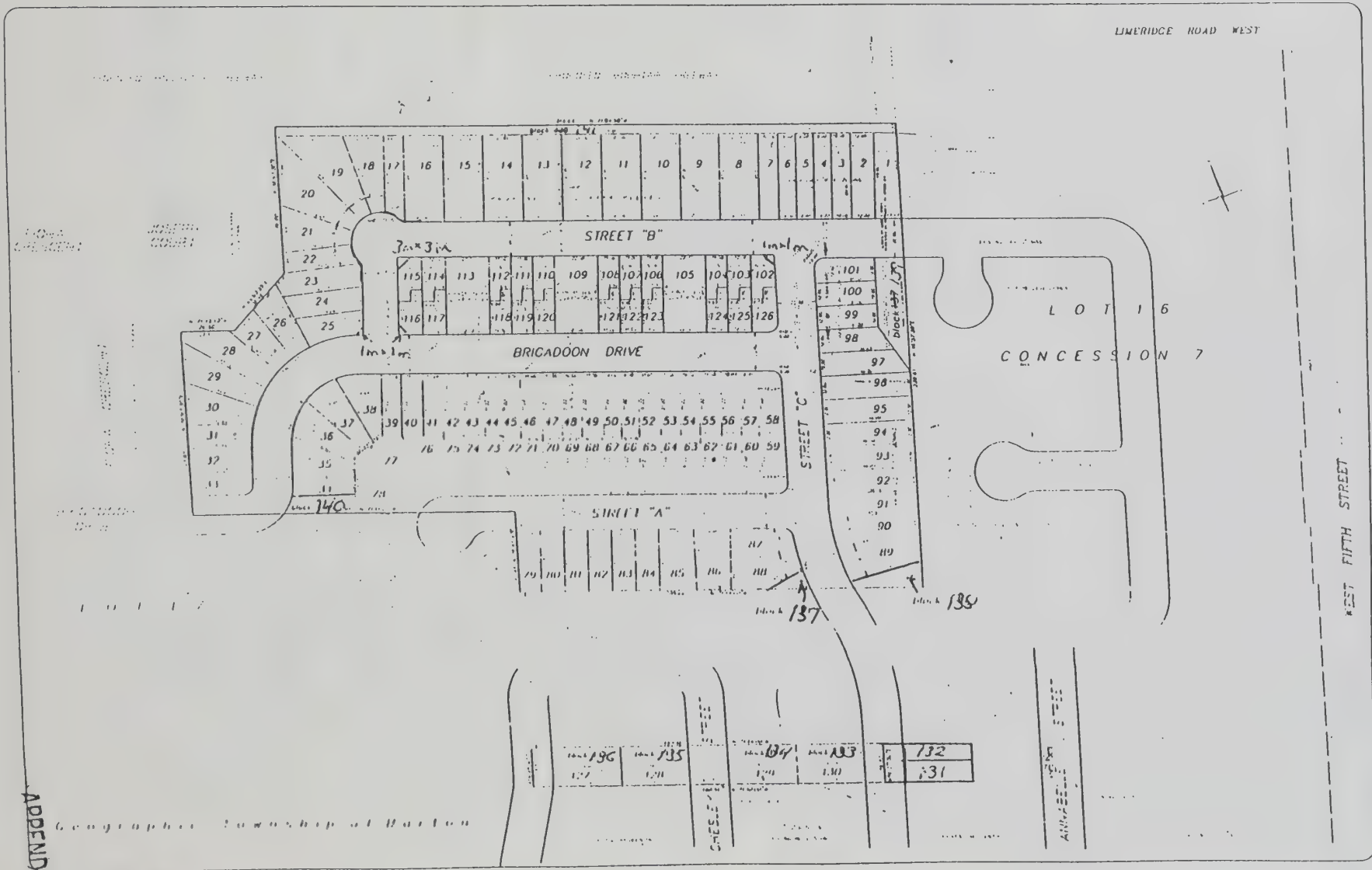
Proposed Changes In Zoning From "AA" (Agricultural) District To:

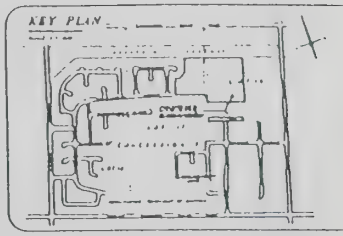
Blocks "1", "3" and "9"		"R-4" (Small Lot Single-Family Dwelling) District
Block "2"		"DE" (Multiple Dwellings) District, modified
Blocks "4", "10" and "11"		"C" (Urban Protected Residential, etc.) District
Blocks "5", "6" "7" and "8"		"R-4" (Small Lot Single-Family Dwelling) District, modified

NORTH

ZAC-94-32

APPENDIX A





DRAFT PLAN OF

ORCHARDS NORTH

LOTS 7 & 8 10, 11, 12, 13 & 14 & PART OF LOT 6
AND ALL OF PARCEL 'D' & PART OF PARCEL 'B'
AND PART OF MACLANDERS STREET
MACLANDERS SURVEY - REGISTERED PLAN 838
PART OF LOTS 16 & 17 CONCESSION 7
AND PART OF THE ORIGINAL ROAD ALLOWANCE
BETWEEN TOWNSHIP LOTS 16 & 17 CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON

CITY OF HAMILTON

SITE

METRIC

RE: SUBSECTION 9, 13 & 51 OF THE 1990 SECTIONS 51(17) THE PLANNING ACT

SERVICES & FACILITIES

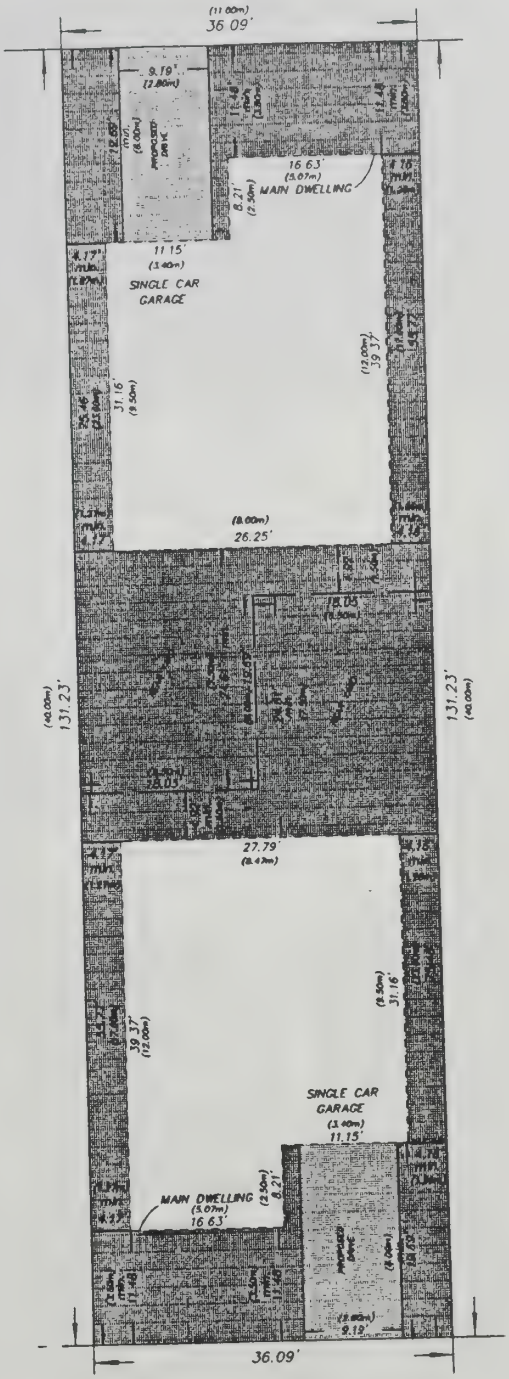
OWNER'S AUTHORIZATIONS

LAND USE SCHEDULE

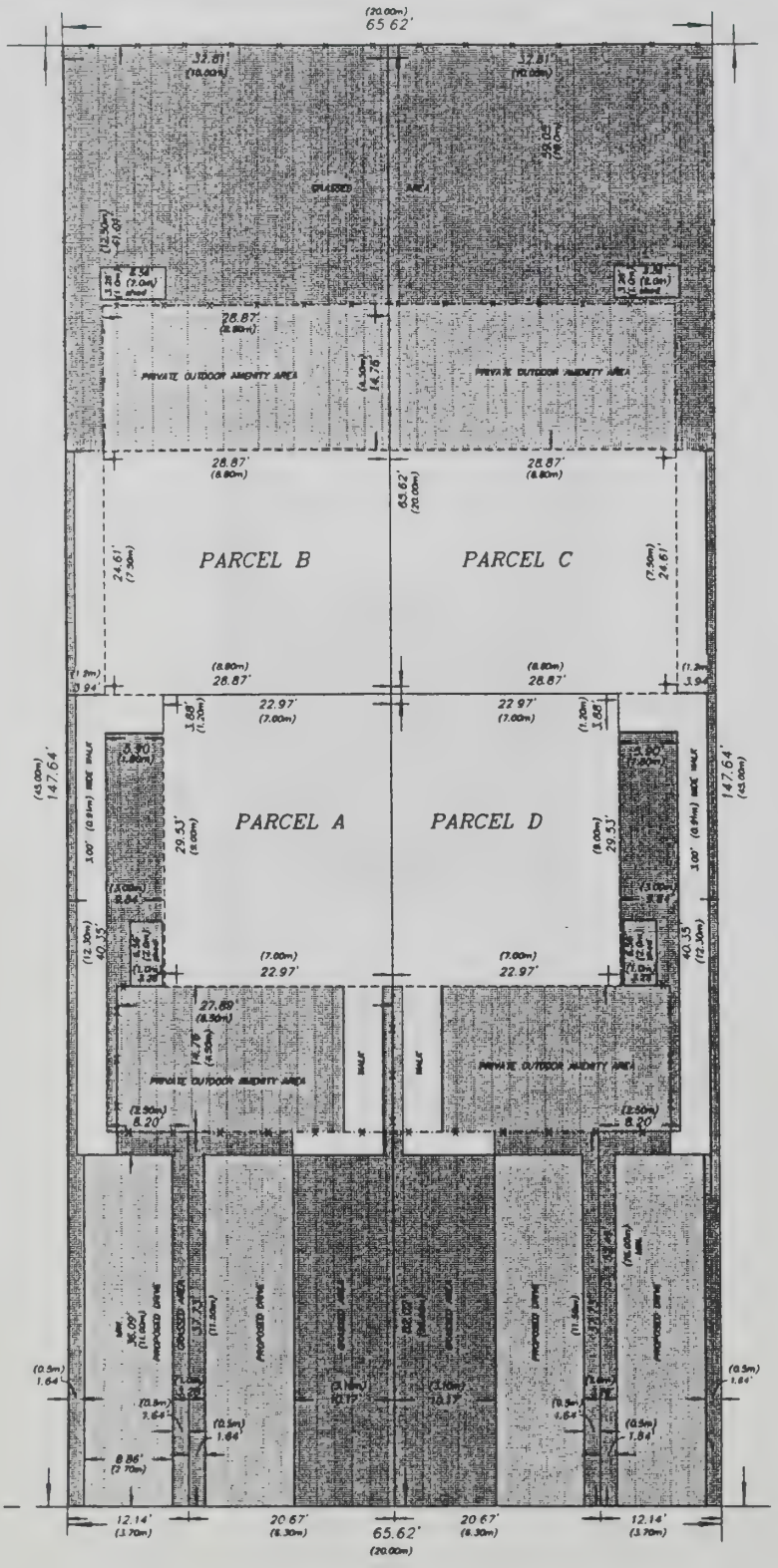
SUBDIVISION DRAFT APPROVAL

A. J. Clarke and Associates Ltd.

APPENDIX B

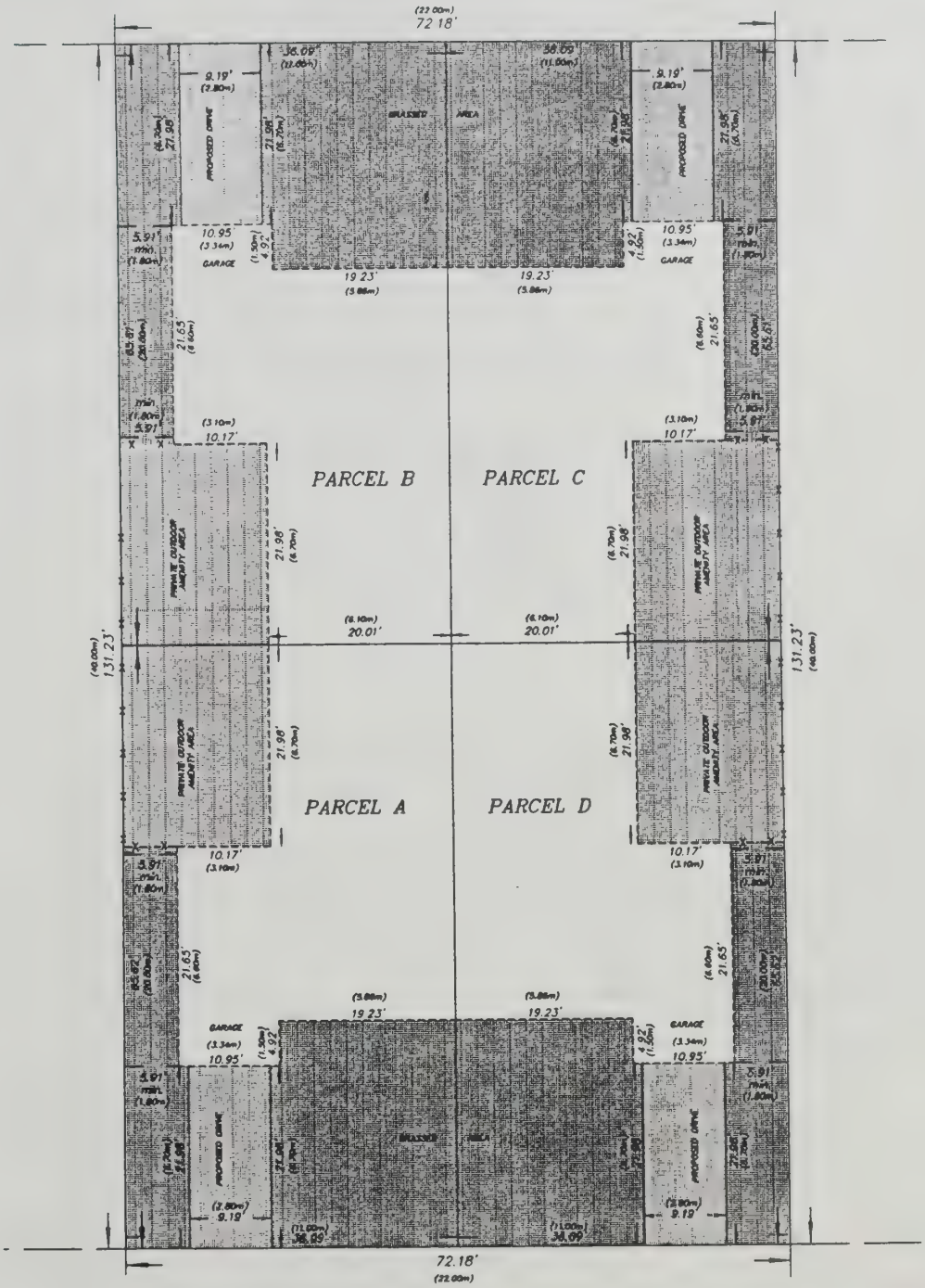


APPENDIX "C"	Interlink Lots



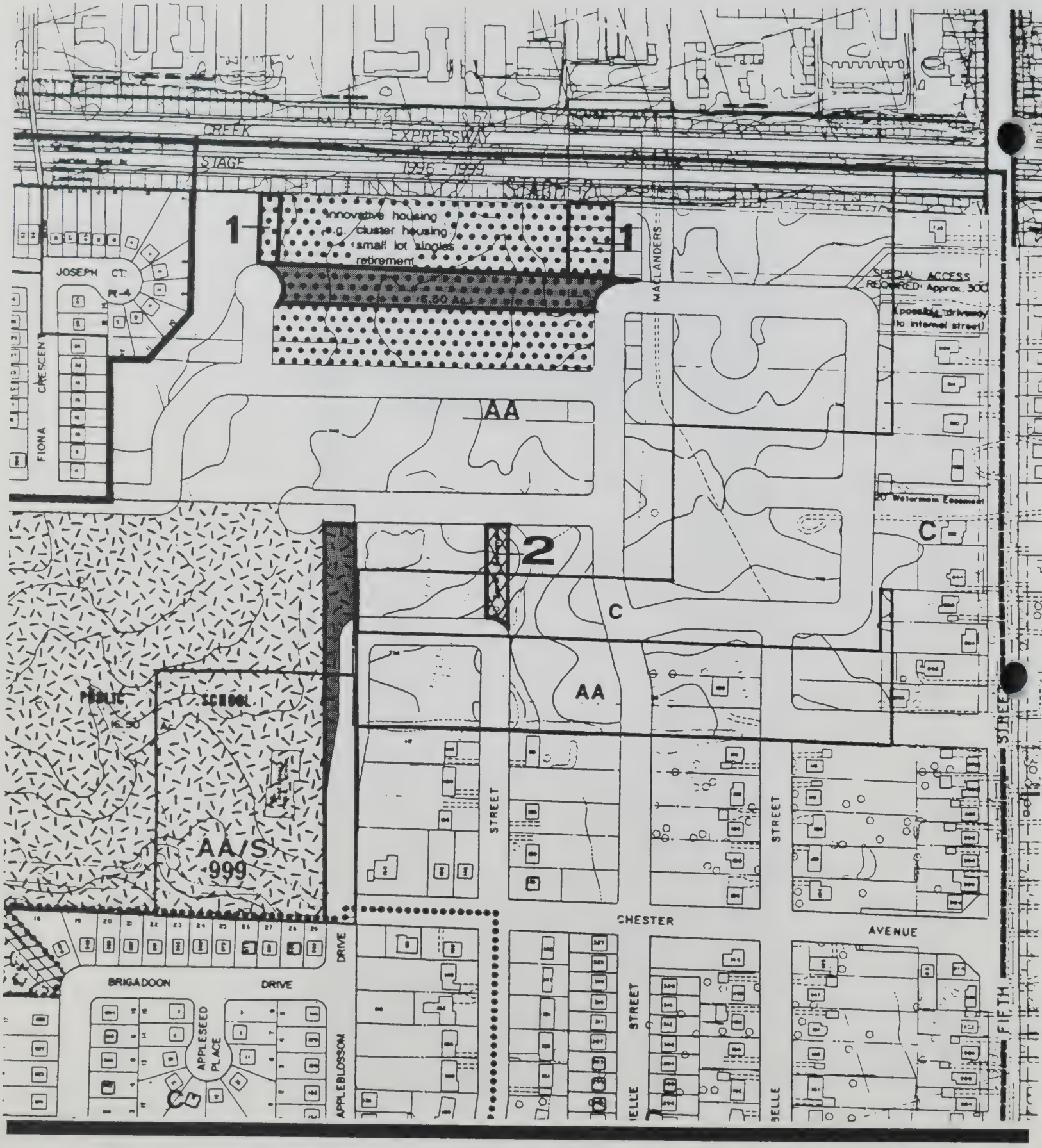
APPENDIX "D"

Quattroplex Development
Interior Lot



APPENDIX "E"

Quattroplex Development
Through Lot



Proposed Changes to GOURLEY Approved Plan

1	Redesignation from "Attached Housing" to "Single & Double" residential
2	Change from "Utilities" to "Single & Double" residential
	Change to Road Pattern

APPENDIX "F"

3b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 24, 1996
(P5-4-21A)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Proposed 1996 Beasley Neighbourhood Plan**

RECOMMENDATION:

(a) That the proposed 1996 Beasley Neighbourhood Plan land use schedule, policies and recommendations, attached hereto and marked Appendix "A", be adopted; and,

(b) That staff of the Planning and Development Department in conjunction with the *Beasley Neighbourhood Plan Review Team* begin implementation of the 1996 Beasley Neighbourhood Plan.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On June 29, 1993, City Council appointed the following individuals to the *Beasley Neighbourhood Plan Review Team* and charged them with the responsibility of creating a new Neighbourhood Plan for Beasley Neighbourhood:

Mary Pocius	.....	International Village Business Improvement Area
Graeme McTaggart	.....	Downtown Business Improvement Area
Patricia Bramwell	.....	Ferguson Avenue Redevelopment Advisory Committee
Ken Hastings	.....	Beasley Neighbourhood Association
Jerry Sherman	.....	James Street North Businesses
Harry Perell	.....	Beasley Neighbourhood Business
Jackie Gordon	.....	Housing Help Centre
James Drake	.....	Beasley Neighbourhood Resident

Over the period June, 1993 to February, 1994, the Beasley Neighbourhood Plan Review Team met ten times to discuss a number of background issues including transportation, environmental constraints, heritage and urban design, community development initiatives, etc., as they pertain to Beasley Neighbourhood. From February, 1994 to December, 1994, the Review Team met on nine occasions including two walking tours to create the land use schedule and discuss other planning issues affecting the neighbourhood. Additional meetings were held throughout 1995 and early 1996 to discuss the 1996 Beasley Neighbourhood Plan and finalize the contents and policy directions.

On April 25, 1996, a public information meeting was held at the Beasley Neighbourhood Community Centre in Beasley Park to allow the residents and businesses of Beasley Neighbourhood an opportunity to comment on the 1996 Beasley Neighbourhood Plan. A number of submissions were received and over July and August these comments as well as City and Regional staff concerns were addressed and integrated within the proposed Neighbourhood Plan.

SUMMARY OF 1996 BEASLEY NEIGHBOURHOOD PLAN:

Appendix "A" (attached) is an Executive Summary of the proposed 1996 Beasley Neighbourhood Plan containing the land use schedule, planning policies and recommendations of the Beasley Neighbourhood Plan Review Team. (A more detailed background study is available from the Planning and Development Department.)

To guide in the creation of the proposed land use schedule, policies and recommendations, the Review Team identified a number of key planning principles or assumptions. These principles were identified with the overall objective of creating a neighbourhood that is a desirable place to live for existing residents and a desirable area within Hamilton to attract new residents and businesses.

The planning principles adopted by the Review Team are as follows:

1) Incompatible land uses in the neighbourhood are to be eliminated;

2) The amount of green and park space in the neighbourhood is to be increased;

3) The extent or "reach" of the commercial designations in the southern part of the neighbourhood are to be scaled back;

4) A mix of land uses such as residential and commercial combined along major thoroughfares are appropriate and would assist in neighbourhood revitalization;

5) The arterial road functions of Cannon Street and Wilson Street has negatively affected the character and ambience of the neighbourhood;

6) The construction of the Perimeter Road is required to accommodate heavy truck traffic and divert through traffic away from neighbourhood streets;

7) New housing developments are to be in a lower density form that would be compatible with existing residential development in the neighbourhood;

8) Medium density residential uses are to be encouraged only in close proximity to the downtown core - high-density residential uses are to be eliminated throughout the neighbourhood; and,

9) The aesthetics of the neighbourhood including the built form and urban open spaces are to be regarded with greater importance in all public and private development activities.

Land Use Schedule

The main land use schedule in Appendix "A" - Map One - embodies the planning principles noted above. The underlying premise of the various land use designations is to refocus Beasley Neighbourhood into a more residential-oriented community at a lower density and with more green space. The land use schedule recognizes the commercial paramountcy of the downtown core, but the extent of the commercial designations compared to the previous Neighbourhood Plan has been reduced.

The major elements of the land use plan include the following:

- Vacant parcels of land in proximity to the downtown core are designated for a variety of residential uses;

- Industrial and automotive uses situated in the middle of existing residential blocks are designated for low density single and semi-detached;

- High-density residential designations have been eliminated;

- Lands adjacent to major roads such as King Street, King William Street, James Street North and Barton Street are designated for mixed Commercial/Residential; and

- Additional green space for use as active and passive parkland are designated at the north-east intersection of Cannon Street and John Street, the forecourt of the CNR Station on James Street North, the Stelco property on the west side of Wellington Street south of the CNR tracks and at the northerly end of Ferguson Avenue North.

Land Use Policies

The Beasley Neighbourhood Plan contains policies pertaining to the various land use designations. The Plan as well outlines a number of Special Policy Areas to guide development that may occur in specific locations within the neighbourhood.

The intent of the policies are similar in vein to the distribution of land uses within the neighbourhood. The policies focus on ensuring that any residential development occurring within the neighbourhood is of a lower residential density, is aesthetically attractive and is sensitive to adjacent building forms. In essence, the various policies seek to ensure that any redevelopment "adds value" to Beasley Neighbourhood and will act as a catalyst for further initiatives.

Review Team Recommendations

The Review Team has examined a wide range of issues that they perceive as affecting the long-term viability of Beasley Neighbourhood as an attractive place to live and do business. The Review Team recognizes that other initiatives are required beyond land use planning mechanisms to assist in the revitalization of Beasley Neighbourhood. Recommendations have been made that address traffic flows and road patterns, the Perimeter Road, creating attractive public spaces, street tree planting, policing and property tax reform.

COMMENT:

The proposed 1996 Beasley Neighbourhood Plan is the result of committed citizens genuinely concerned in creating a better neighbourhood for present and future residents. Importantly, the Review Team has recognized the broader "public interest" in developing the land use schedule, policies and recommendations. The response of the local residents to the proposed Beasley Neighbourhood Plan at the public information meeting held on April 25, 1996 was very positive to the policy direction and tone of the Neighbourhood Plan and the recommendations. A good discussion ensued on several matters of local concern which were similar to the discussions the Review Team held in preparing the Neighbourhood Plan (see attached meeting notes).

In terms of land use planning implications, the Beasley Neighbourhood Plan is particularly innovative in a number of areas. The use of a "mixed" residential/commercial land use designation along major thoroughfares is very appropriate as it recognizes the importance of having more residents within the neighbourhood to support the commercial infrastructure. As well, the Neighbourhood Plan recognizes that planning regulations must become more flexible in their implementation at the neighbourhood level.

The broad policy theme of reinforcing and enhancing the residential areas of Beasley Neighbourhood is appropriate. Attractive and desirable neighbourhoods are particularly important in close proximity to Hamilton's downtown in order to enhance the commercial viability of downtown merchants and to make full intensive use of the physical and social infrastructure already in place.

The special policies created by the Review Team to guide any future development and redevelopment in the neighbourhood will provide valuable input in terms of assessing potential impacts or ramifications.

The recommendations made by the Review Team directed at various municipal departments are appropriate for their consideration. One of the recommendations notes that "a focused and comprehensive street tree planting program for the entire Beasley Neighbourhood be established". Following up on this recommendation, the Planning and Development Department in partnership with the Department of Public Works and Traffic have prepared a Capital Budget submission for the 1997-2006 Capital Budget Program to implement this specific recommendation. In addition, it is anticipated the members of the Beasley Neighbourhood Plan Review Team will refocus their energies to address implementation matters within the context of the Neighbourhood Plan with the assistance of Planning and Development Department staff.

The 1996 Beasley Neighbourhood Plan has continued upon the themes first identified in the 1972 Beasley Neighbourhood Plan to create an attractive, viable and prosperous neighbourhood in the centre of Hamilton. The Review Team has worked hard in creating a Plan appropriate for all interests and has succeeded. Accordingly, the land use schedule, policies and recommendations of the 1996 Beasley Neighbourhood Plan can be supported.

KE/ke

Public Information Meeting
Draft Beasley Neighbourhood Plan
April 25, 1996
Beasley Community Centre, Beasley Park

Notes/Comments from Question and Answer Period:

- Commerce has been driven out of downtown and Beasley by high property taxes.
- As there is no free parking in downtown everyone goes to Limeridge Mall.
- The ticket police are too diligent in their parking ticket duties.
- Wilson and Cannon Streets are like racetracks, the traffic goes by too quickly.
- Truck traffic is a problem, the construction of the Perimeter Road would alleviate this.
- Restrictive measures for traffic are needed in Beasley; need to lessen traffic in the Neighbourhood.
- The incompatible land uses are not necessarily automotive-related.
- A one-way street system is preferred; need to get rid of the large trucks.
- A two-way street pattern will slow down the traffic and trucks will avoid using these slower streets.
- The potential for road widenings is a concern. The designated future road allowance widths should be removed from municipal planning documents.
- There should be no trucks allowed on Cannon and Wilson Street.
- Business should be made responsible for environmental problems on their lands.
- Vacant lands that have a "negative value", i.e., the cost of clean-up exceeds their potential market value, has to be made more attractive for private sector initiatives.

APPENDIX "A"

THE 1996 BEASLEY NEIGHBOURHOOD PLAN -

Executive Summary

Prepared By:

The Beasley Neighbourhood Plan Review Team
in conjunction with
The Planning and Development Department
City of Hamilton

September, 1996

1.0 BACKGROUND

Beasley Neighbourhood lies within the north-east quadrant of Hamilton's central downtown area. Beasley has a rich historical tradition within the development of Hamilton as much of the lands now part of the neighbourhood were part of George Hamilton's original town plot established in 1816. This historical tradition is evident today by the many architectural themes throughout the neighbourhood and the diversity of land uses that characterize this older, established downtown neighbourhood.

Beasley Neighbourhood is a unique community in many respects. As home to the downtown commercial core and Gore Park, Beasley Neighbourhood functions as a cultural and economic focal point for the City of Hamilton. Beasley has always been a neighbourhood where new immigrants to Hamilton first settle. This has resulted in an ethnically diverse neighbourhood with many local commercial establishments and restaurants meeting the needs of these new Hamiltonians.

Beasley is a neighbourhood that faces many challenges. Segments of the housing stock are in need of rehabilitation. The current traffic system of high-volume, wide arterial roadways has not been conducive to neighbourhood cohesiveness. The downtown commercial core has been hard hit by changes in retail economics. New residential development has had the effect of eroding the historical lower-density character of the neighbourhood. There is a perception of Beasley as a high crime area. The vestiges of Hamilton's industrial past are still apparent with large industrial buildings interspersed among residential blocks with conflicts arising from incompatible land uses. And, the neighbourhood continues to be under-served in terms of green space and recreational facilities.

The 1996 Beasley Neighbourhood Plan is premised on a number of planning principles and are as follows:

1) The incompatible land uses, in particular industrial and automotive-related, need to be eliminated and as such there are no industrial designations in the 1996 Beasley Neighbourhood Plan;

2) The amount of green space in the neighbourhood needs to be increased;

3) The anticipated growth of the downtown has not occurred. This has resulted in many vacant and underutilized commercial buildings and land parcels on the periphery of the core and has eroded the residential attributes of Beasley. Accordingly, the "reach" of the commercial base in the southern part of the neighbourhood has been scaled back;

4) A mix of land uses such as residential or commercial and residential/commercial combined along major thoroughfares is appropriate and needs to be emphasized while recognizing existing building heights;

5) The arterial road system for vehicular traffic has not proved conducive to neighbourhood cohesiveness and pedestrian comfort and has created physical barriers. Elimination of the arterial road functions of Cannon Street and Wilson Street is imperative;

6) The Perimeter Road needs to be constructed to accommodate heavy truck traffic and divert through traffic away from neighbourhood streets;

7) New housing developments should be in a lower density form that will be more compatible with the existing neighbourhood, i.e., single and semi-detached, row/townhouse, and stacked townhouses;

8) Medium density residential uses will be encouraged in close proximity to the downtown core while high density residential uses have been eliminated; and,

9) The aesthetics of the neighbourhood including the built form and urban spaces must be regarded with greater importance in all public and private development activities in the neighbourhood.

2.0 NEIGHBOURHOOD PLAN DESIGNATIONS

Map One on page 3 reflects the **long-term**, i.e., 15 to 20 year, land use objectives for Beasley Neighbourhood, which embody the planning principles noted previously. Map One contains land use designations which are not consistent with the existing land use. For example, several existing industrial and automotive-related uses are designated for residential purposes; existing high-density residential uses are designated for lower-density residential uses; and current commercial areas are designated for mixed residential/commercial uses. Accordingly, these areas will be regarded as "non-conforming" in the context of the Neighbourhood Plan.

Over the life of the Beasley Neighbourhood Plan, there will likely be occasions when a redevelopment of a site is proposed by a landowner. At the time of the proposal, the adequacy of the storm and sanitary sewers will have to be considered, as well as the capacity of water services to support the anticipated redevelopment.

The various land uses shown on Map One are described below:

2.1 Single-Detached and Semi-Detached (Yellow)

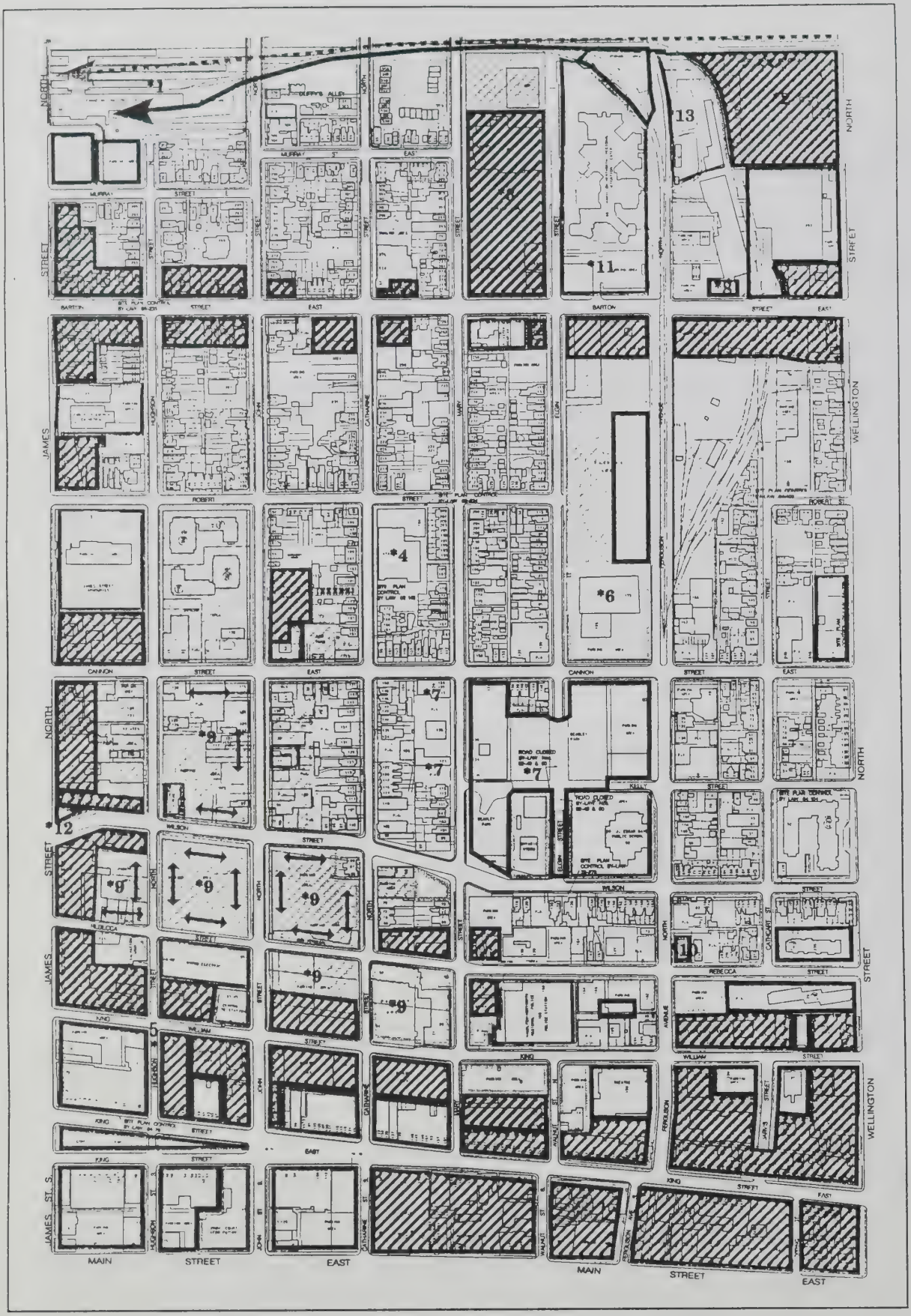
This designation covers most of the interior of Beasley Neighbourhood. It is intended to re-affirm the lower density character of Beasley Neighbourhood. This designation will promote greater stability by encouraging residential redevelopment on vacant parcels of land within the built-up low density blocks at low residential densities. Areas previously designated for high density residential are now designated Single-Detached and Semi-Detached. As well, the incompatible industrial and automotive-related uses have been designated Single-Detached and Semi-Detached.

Within the Single-Detached and Semi-Detached designation, attached row housing will be permitted provided the lot width is similar to that of single- and semi-detached units, it is in a form compatible to adjacent dwellings and is oriented towards the street. Any new residential construction shall not exceed a height of 2½ storeys.

2.2 Row/Townhouse (Orange Hatched)

This designation is applicable primarily to larger sized vacant or underutilized land areas that are isolated or slightly removed from the existing built-up neighbourhood where redevelopment to residential is likely to occur. This recognizes that the economics of residential redevelopment in a built-up urban centre favours housing forms at a density higher than single or semi-detached dwellings. The Row/Townhouse designation would provide the necessary economic incentive and at the same time provide dwelling forms consistent with the character and scale of the existing dwelling stock in the neighbourhood.

Single-detached and semi-detached dwellings will be permitted in the Row/Townhouse designation. Any new residential development must be in a form that is compatible to adjacent dwellings, oriented towards the street and shall not exceed a height of 2½ storeys.



City of Hamilton
Neighbourhood Location



1994 POPULATION 5407

Land Use

Residential:	Non-Residential:
Single-Detached & Semi-Detached	Commercial
Mixed Uses (Commercial and\or Residential)	Civic & Institutional
Row Townhouse	Park – Passive
Low Density Apartments/ Stacked Townhouses	Park – Active
Medium Density Apartments	Pedestrian/Cyclist Pathway
Utilities	Perimeter Road CN Rail R-O-W

*** Special Policies (see Plan Document)**

BEASLEY - 10

– MAP NUMBER ONE –
THE BEASLEY
NEIGHBOURHOOD PLAN



SEPTEMBER 1996

Prepared by the City of Hamilton
Planning and Development Department

2.3 Low Density Apartments/Stacked Townhouses (Orange)

This designation has been applied on several parcels adjacent to major roadways in close proximity to the downtown, e.g., Wellington Street, Cannon Street and King William Street. This designation is as well intended to recognize redevelopment potential for residential uses, but at slightly higher densities. In addition, this designation will also assist in achieving higher population levels in the immediate downtown area. Four storeys is the desirable maximum height for apartment buildings in this designation.

2.4 Medium Density Apartments (Brown)

This designation is applied to several parcels of land within Beasley Neighbourhood to recognize the existing residential use and is also applied in two locations near Ferguson Avenue and King William Street to recognize redevelopment potential. The application of this designation is consistent to the land use proposals suggested by the Ferguson Avenue Revitalization Advisory Committee as part of their work to rejuvenate Ferguson Avenue. Six to eight storeys is the desirable maximum height for apartment buildings in this designation.

2.5 Mixed Uses - Commercial and/or Residential (Yellow with Red Hatching)

An important planning principle is to facilitate a number of different but compatible land uses in close proximity or within a specific property, i.e., "mixed use developments". Areas of mixed uses and mixed use developments can involve many uses but it is the commercial/residential combination which offers the greatest positive economic and social effect at the neighbourhood level as each use reinforces the viability of the other.

Extensive use of the Mixed Uses designation recognizes the importance of facilitating greater residential development in Beasley Neighbourhood and allows for flexibility in potential redevelopment opportunities. The logic is compelling as with more people in the neighbourhood, the viability of local commercial businesses would be enhanced which provide a further draw for people to move into the neighbourhood.

2.6 Commercial (Red)

The scope of the Commercial designation in Beasley Neighbourhood has been narrowed. This is in part because of the desire to encourage more Residential uses. As well, the Commercial "reach" of the downtown in other municipal planning documents has had the effect of undermining the stability of the existing residential community. By restricting the Commercial designation to the area immediately surrounding Gore Park, Hamilton's downtown would be more focused and dissipate the negative and destabilizing effects of land use planning uncertainty on the surrounding residential neighbourhood.

2.7 Civic and Institutional (Blue)

The Civic and Institutional designation covers a variety of existing uses in Beasley Neighbourhood. These uses include: the Hamilton-Wentworth Regional Police Headquarters on King William Street, the Dr. J. Edgar Davey Public School on Wilson Street, the Hamilton Hydro Electric building on Rebecca Street, the Central Fire Station on John Street North, the Hamilton-Wentworth Regional Detention Centre on Barton Street, the James Street North Armouries, the City of Hamilton Public Works Yard on Ferguson Avenue and the three neighbourhood Churches: Christ's Church Anglican Cathedral on James Street North, St. Peter's Hungarian on Barton Street and St. Johannes Evangelical Lutheran on Wilson Street.

2.8 Park - Passive (Green)
Park - Active (Hatched Green)

The Park designation has been divided into two distinct designations. "Active" park space are parks with various play/recreational facilities; and "Passive" parks are more suited for sitting and conversing with friends and neighbours and may contain small gardens.

The 1994 population of Beasley Neighbourhood was 5,407 persons. The neighbourhood parkland standard, as set out in the Hamilton Official Plan, is 0.5 hectares (1.24 acres) per 1,000 population. This translates to a required parkland area of 6.70 acres. McLaren and Beasley Parks total 3.44 acres. There is an additional 1.88 acres of land designated for Beasley Park that has not been acquired by the City. In total, there are 5.62 acres of parkland owned or designated for acquisition by the City. This is a deficiency of 1.08 acres of designated parkland based on current population.

A number of new Park locations have been designated in the Neighbourhood on Map One, which is consistent with the overall strategic objective of making Beasley Neighbourhood a more attractive living environment for existing residents and prospective newcomers. A description and rationale of the existing and new park locations in the Beasley Neighbourhood Plan are as follows:

- Gore Park is an important park for Beasley residents and all Hamiltonians. Gore Park should be more pedestrian friendly and enhanced as a focal point for the City. Closing Hughson Street permanently and joining the two separate "pieces" of Gore Park together should be a key objective for the City;

- Beasley Park has undergone a gradual transformation into a park which provides important recreational and passive space needs for Beasley residents. Beasley Park is now the focus of the neighbourhood and recognized as the neighbourhood park. Acquisition of property for park purposes should continue, specifically the parcel to the east currently occupied by Lockwood Motors and the industrial premises to the west currently occupied by a number of small firms;

- A walkway linkage to Catharine Street North needs to established at McLaren Park and the park itself needs to be expanded by acquiring the property to the south which would open up the park to Cannon Street;

- The grass foreground of the CN Station on James Street North should be formalized into a passive park. This area has been used by many cultural and ethnic groups for various festivals over the years. The parking lot immediately to the east of the grass foreground should be redeveloped into some form of a community garden with benches to facilitate greater interaction among local residents;

- Adjacent to the proposed Perimeter Road, a pedestrian/cyclist route and "greenway" has been designated that would act as a buffer for the Perimeter Road and as well link a number of new parks at the north end of Beasley Neighbourhood;

- To the northeast of the Hamilton-Wentworth Regional Detention Centre lies a triangular portion of land that contains several underused railway spurs and field. This area as well has potential to be more actively developed into viable park space; and,

- The Stelco Steel property and structure on the west side of Wellington Street North just south of the CN Rail tracks has been vacant since the early 1980's and to date there has been no market interest in the property or structure for other industrial-type uses. Considering the nature of the previous industrial use, it is likely that prior to any redevelopment a soils clean-up and decommissioning will have to take place. Accordingly, the creation of a temporary sport park, e.g., football, soccer, baseball, etc., through a partnership between the City and Stelco Steel would be appropriate until market forces ultimately determine future land use.

It is recognized that park acquisition in developed neighbourhoods is a long-term process contingent upon available public financing and willing sellers. In terms of parkland priorities over the short-term in the next three to five years, the focus and priorities in Beasley Neighbourhood should be as follows:

1st Priority: Continue with development of Beasley Park - The expansion of Beasley Park eastward to Ferguson Avenue is imperative;

2nd Priority: Preservation of the green foreground of the James Street North CN Station - Any reuse of the station structure and potential redevelopment must preserve this important community focal point; and,

3rd Priority: Enhancement of Gore Park - The focus of the Hamilton community for over a century, Gore Park needs to be relinked across Hughson Street to create an effective green space and community asset in the heart of Hamilton's downtown.

2.9 Utilities (Grey)

The following lands are designated as Utilities: the Ontario Hydro Sub-Station on Elgin Street north of Wilson Street; the south-west corner of Mary Street and Wilson Street for a future water works facility; and the CN Station on James Street North including the rail tracks to the east.

3.0 SPECIAL POLICY AREAS

Planning documents should provide guidance and direction in regard to development or redevelopment within a neighbourhood, in addition to outlining preferred future land uses. Beasley Neighbourhood contains a number of unique land parcels that may undergo development or redevelopment in the coming years. A number of Special Policy Areas on Map One are noted to provide further planning guidance in the event a proposal for development and/or redevelopment arises and highlights other areas of importance to the neighbourhood.

Special Policy Area 1

The Canadian National Rail Station on James Street North is an important historical asset of Beasley Neighbourhood and the City of Hamilton. The Station has been underutilized for a number of years and has been the subject of numerous redevelopment proposals; however, the structure itself does not lend itself for other uses and simply functions best as a train station. It is important to recognize the adjacent rail lines are the only rail links between Toronto and the north-eastern United States.

Although at present it appears unlikely that any rail organization in the short-term will require the use of the building and its environs as a train station, passenger rail as a mode of transportation may become more viable and an attractive alternative to air travel or automobile travel in the coming years. Accordingly, the ultimate preferred long-term use is as a train station.

However, if the station is ultimately redeveloped for other uses, there are a number of concerns and objectives which need to be addressed as part of any redevelopment proposal including:

- Preservation and retention of the main station structure;
- Retention of the grassed front square area as a passive open space while the parking lot immediately to the east should be converted into some form of public garden;
- Establishment of a pedestrian link to Stuart Street and the West Harbourfront area needs to be established;
- Buffering should be considered in anticipation of the Perimeter Road; and,
- Building heights in any redevelopment proposal should be no more than 4 storeys to be consistent with the neighbouring residential properties.

Special Policy Area 2
The Stelco Steel property and structure on the west side of Wellington Street North just south of the CN Rail tracks has been vacant since the early 1980's and to date there has been no market interest in the property or structure for other industrial-type uses. Considering the nature of the previous industrial use, it is likely that prior to any redevelopment a soils clean-up and decommissioning to the satisfaction of the Ontario Ministry of Environment and Energy will have to take place. Accordingly, the creation of a temporary sport park, e.g., football, soccer, baseball, etc., through a partnership between the City and Stelco Steel would be appropriate until market forces ultimately determine future land use.

Special Policy Area 3
The commercial plaza situated on the north side of Barton Street between Mary Street and Elgin Street is a potential site for redevelopment. A grocery store/supermarket is important for a neighbourhood and therefore a cohesive mixed commercial/residential development is regarded as the most preferable land use option. In any redevelopment proposal, the option of extending Murray Street through to Elgin Street should be considered to facilitate more street-oriented uses. Smaller city blocks create a more desirable urban ambience and should be strongly considered. As well, a street focus onto Barton Street should be promoted.

Special Policy Area 4
The Liquor Control Board of Ontario (LCBO) warehouse on the east side of Catharine Street North between Robert Street and Cannon Street East provides bulk service for local restaurants and hotels. This is a clear incompatible use and there are safety concerns in regard to truck movements in and out of the warehouse. The warehouse is situated within an established low density residential block. Any redevelopment on this site should be residential and in a dwelling form and density consistent with the adjacent residential properties.

Special Policy Area 5
Hughson Street is a key thoroughfare with potential to enhance the role of Gore Park in the downtown. At the present time, the eastern side of the street between King Street and King William Street is occupied by the former Kresge Building. If redevelopment of the site is considered at any future point in time, green space on the east side of Hughson Street North would provide an attractive pedestrian linkage between King William Street and King Street. A small park would "open up" the area surrounding Gore Park and as well provide greater focus for the Gore Park Fountain. Alternatively, commercial uses in the form of small boutiques could as well be facilitated on the east side of Hughson Street south of King William Street provided a 7.5 building setback from the road right-of-way is provided. This setback would effectively "open up" the area as well.

Special Policy Area 6
The City Chevrolet-Oldsmobile dealership is a potential redevelopment site. Recognizing the redevelopment of the lands immediately to the north for medium density apartments and townhouses, low density apartments built to a maximum height of four storeys is appropriate, should redevelopment be considered. In addition, provision should be made for adequate building setbacks to allow the creation of a green space buffer between the sidewalks and the actual building envelope.

Special Policy Area 7
Beasley Park is the principal Neighbourhood Park and over the years has played an increasingly important role in making the Neighbourhood a more enjoyable place to live. As part of the on-going development and refinement of Beasley Park, there are a number of issues and concerns:

- The façade of the industrial building at the north-east corner of Kelly Street and Mary Street provides a symbolic and aesthetically unique reminder of how the neighbourhood has changed and should be preserved and integrated within the park setting;
- Elgin Street immediately north of Wilson Street should be closed officially except to permit access for Ontario Hydro vehicles. The lands and road right-of-way should be incorporated into the park and the existing on-street parking on Elgin Street should become parking for the park only;
- It is important to promote residential development consistent with the policies of the Neighbourhood Plan surrounding Beasley Park to provide "eyes on the park" and a greater sense of neighbourhood security; and,
- The small residential enclave on Cannon Street west of Elgin Street should be preserved as these dwellings represent a desirable form of housing within Beasley Neighbourhood.

Special Policy Area 8
The Smart/Turner Pump office structure on Barton Street East is regarded as an architecturally unique building in Beasley Neighbourhood and this structure should be preserved and encouraged to be redeveloped into a commercial use.

Special Policy Area 9
Beasley Neighbourhood contains a number of commercial parking lots that represent significant redevelopment potential for residential uses. A number of locations have been identified within Beasley and the following objectives should be considered in any future development initiative:

- Wider sidewalks, enhanced boulevard green space and greater building setbacks should be incorporated to facilitate an urban environment conducive to pedestrian traffic;
- Development should be at a scale and density that reinforces and maintains the lower-density character of Beasley Neighbourhood; and,
- New internal public roadways through the block should be facilitated wherever feasible as smaller city blocks create a more attractive urban ambience for residents, pedestrians and visitors.

Special Policy Area 10
The former Wesleyan German Church at the north-east corner of Rebecca Street and Ferguson Avenue North was opened in January, 1862 and was capable of seating 250 people. The building is presently vacant but was recently used as office space by an advertising firm. Retaining the historical resources of Beasley Neighbourhood is important and the original structure should be maintained.

Special Policy Area 11
The front portion of the Hamilton-Wentworth Regional Detention Centre is an important "public" open space and should be retained. It provides an attractive vista for passing motorists and pedestrians along Barton Street and adds to the sense of green in the neighbourhood.

Special Policy Area 12
The intersection of York Boulevard/Wilson Street and James Street North is a major gateway to Beasley Neighbourhood. However, the current urban design of the buildings and lots surrounding this intersection do not accentuate its importance and prominence. The City should implement urban design and other aesthetic measures that will enhance this area of Beasley Neighbourhood.

Special Policy Area 13
The City has indicated the Public Works Yard is required for an indefinite period of time. When this land is no longer required for civic purposes, a residential use would be the appropriate future land use, likely in the form of a row/townhouse project.

3.0 RECOMMENDATIONS

Beyond land use planning concerns, there are a number of issues that are apparent in Beasley Neighbourhood that require attention by the City of Hamilton. These issues are of concern to all Beasley residents and businesses as they affect the "quality-of-life" and will contribute positively to the goal of attracting newcomers and creating stability in the neighbourhood. Issues such as the transportation network, the need for market value assessment, crime and safety, and vacant lands are at the forefront.

The Beasley Neighbourhood Plan Review Team has prepared the following recommendations:

1) **That City Council adopt the 1996 Beasley Neighbourhood Plan document and associated schedules and policies as the revised Beasley Neighbourhood Plan;**

2) **That the Planning and Development Department undertake the necessary rezonings to bring the current zoning in Beasley Neighbourhood in line with the goals and objectives of the Beasley Neighbourhood Plan;**

3) **That the Parks Division of the Department of Public Works and Traffic commit to the proposed park and green space locations as identified on Map One of the 1996 Beasley Neighbourhood Plan and liaise with appropriate landowners in regard to eventual purchase of the identified lands;**

4) **That the Advisory Committee on Transportation Issues undertake a fundamental review of Hamilton's one-way street system in the context of the long-term implications on the ambience and vitality of Hamilton's downtown neighbourhoods;**

5) **That the Region of Hamilton-Wentworth at appropriate opportunities, prohibit trucks, lower permitted speeds and reduce vehicular volumes on all Regional roads in Beasley Neighbourhood;**

6) **That the City of Hamilton and the Region of Hamilton-Wentworth reaffirm its support of the construction of the Perimeter Road to the Provincial Government with a view to securing necessary Provincial monies to enable construction to proceed;**

7) **That the Roads Division of the Regional Transportation Department investigate all streets in Beasley Neighbourhood and throughout the downtown core neighbourhoods that can be narrowed to better accommodate pedestrian traffic and create a more attractive urban atmosphere;**

8) **That Hamilton City Council direct all appropriate civic staff to place an increased emphasis on urban design criteria in the evaluation of all development proposals;**

9) **That the Planning and Development Department and the Department of Public Works and Traffic pursue the development of "urban open spaces" on public and/or private lands at the following locations within Beasley Neighbourhood:**

   i) **Hughson Street and Murray Street, east of the CN Station;**
   ii) **James Street North and York Blvd;**
   iii) **North side of King William Street between Catharine Street and Mary Street;**
   iv) **North-west corner of Wilson Street and Mary Street (95 Mary Street);**
   v) **King William Street and Mary Street; and,**
   vi) **King William Street and Jarvis Street.**

10) **That a focused and comprehensive street tree planting program for the entire Beasley Neighbourhood be established through the "Street Tree Planting Program" operated by the Forestry Section of the Department of Public Works and Traffic;**

11) **That the Planning and Development Department and the Building Department revise the Hamilton Zoning By-law by requiring a minimum 3.0 metre front yard depth in all residential, commercial and Central Business District zoning districts that currently do not have front yard depth requirements;**

12) **That the Planning and Development Department and the Building Department undertake a review of the City of Hamilton Zoning By-law to incorporate the principle of maximizing sun exposure on city streets through zoning by-law provisions;**

13) **That Hughson Street, King William Street and Ferguson Avenue North be recognized as key pedestrian-oriented streets and selected as pilot projects for incorporating sun maximization techniques at all planning approvals stages;**

14) **That the Planning and Development Department investigate the use of "sunset clauses" for rezoning applications;**

15) **That the Hamilton-Wentworth Regional Police re-establish a storefront office on James Street North and have a greater number of on-street beat patrols in Beasley Neighbourhood and throughout the City of Hamilton; and,**

16) **That Hamilton City Council request the Ontario Ministry of Revenue to update the real property market values used as the basis for determining assessed values for property tax purposes for all properties in the City of Hamilton.**

3c)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 7 1996

DATE: 1996 September 26
DA-93-05
Kirkendall North Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

M. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an extension for the approval of Site Plan Control Application DA-93-05 for a commercial building at 139 - 147 Locke Street South.

RECOMMENDATION:

That approval be given to the request by Wentworth Construction Planning on behalf of the owner Citslap Industries Plastics Limited, for an extension of the approval of Site Plan Control Application DA-93-05 to June 7, 1997, for 139-147 Locke Street South, with appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

Explanatory Note:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The owner has requested an extension of this time limitation which should be registered on title of the land.

V. Abraham

J. G. Pavelka

BACKGROUND:

The plans of Site Plan Control Application DA-93-05 were approved on May 5, 1993 and the agreement subsequently registered on June 7, 1994 as Instrument No.185656. The reduced plans of the agreement are attached for information.

The applicant has requested an extension of the approved plans to June 7, 1997 and indicated that the project has not proceeded due to the poor economy, the limited uses permitted under ZA 92-43, length of time to process approvals and doubling of construction costs.

RESULTS OF CIRCULATION:

The Building Department has not responded.

The Regional Environment Department has indicated that they have no comment.

The Traffic Division of the Department of Public Works and Traffic have advised that they have no objection to the proposed extension.

The Law Department has indicated that an amending agreement must be prepared and registered to reflect the additional time.

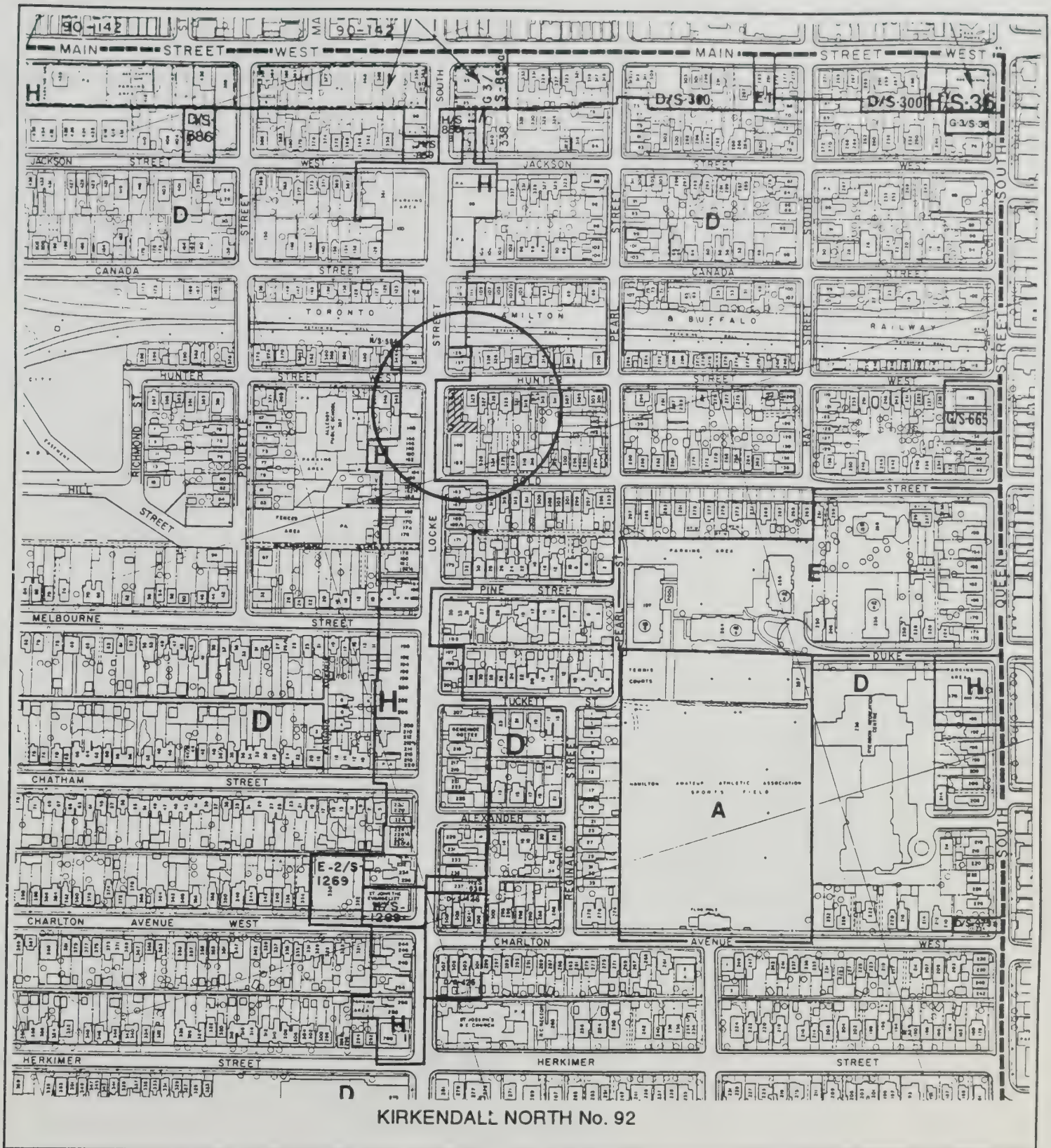
COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. In addition the registered Site Plan Agreement indicates in Clause 10 that the Agreement shall cease and terminate upon expiry of "two years from the date of registration of this Agreement in the event that a building permit has not been issued to the Owner within the two years; (a request for an extension to this time limit may be requested in writing from the City Building Commissioner;)".

The request for the extension can be supported. It is recommended that at the end of this period, if no Building Permit has been issued, a new application should be submitted for the approval of development plans and should be subject to any applicable regulations and policies. An amending Site Plan Agreement is required to be prepared and registered on title of the land to recognize the extension.

Since the time limit is a By-Law regulation, this recommendation must be forwarded to City Council for approval.

jps:DA93-05.exe(sept26/96)



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-93-05

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-05
	Date	Drawn By
	MARCH 1993	Z.K.

DA-93-05 SCHEDULE B



"THE MEWS OF LOCKE STREET"

DA-93-05 SCHEDULE

TYPICAL AV ELEVATION

LIGHT GRAY 3 IN 1 ALUMINUM VINYL SIDING

PRE-FINISHED DARK GRAY ALUMINUM EAVES TROUGH & RAIN WATER LEADERS

OFF WHITE HORIZONTAL OR VERTICAL PRE-FINISHED ALUM. SIDING & TRIM OR GRAY PRE-FINISHED ITALIO PLYWOOD 1'-6" BATTEN BOARDS 32 mm ARMOUR MAIN VENEER

LINE OF ROOF ENVELOPE BEYOND

EXISTING CONCRETE BLOCK FOUNDATION WALL

REAR ELEVATION

SCALE 1/4"=1'-0"

ORIGINAL DORMERS

"THE MEWS OF LOCKIE STREET"

UPPER SIDING 32 mm LOWER SIDING AS ABOVE

LEFT SIDE (NORTH) ELEVATION

SCALE 1/4"=1'-0"

ORIGINAL DORMERS

GABLE

UPPER SIDING AS ABOVE

RIGHT SIDE (SOUTH) ELEVATION

SCALE 1/4"=1'-0"

THE MEWS OF LOCKIE STREET

DEVELOPMENT DETAILS

		IMPERIAL	METRIC
NET LOT AREA	MIN.	4,104.55 SQ.FT.	381.32 m²
LOT COVERAGE	MAX.	2,203.12 SQ.FT.	204.68 m²
GROSS FLOOR AREA	MAX.	4,843.75 SQ.FT.	450.00 m²
LANDSCAPED AREA	MIN.	1,500.00 SQ.FT.	139.00 m²
BUILDING HEIGHT	MAX. (2 FLOORS)	45.93 SQ.FT.	14.00 m

FOR INFORMATION ONLY
KIRKENDALL NORTH NEIGHBOURHOOD
LAND USE MAP # D13

#329 HUNTER ST. W.
(EXISTING TWO FLOOR HOME)

DRIVE

OPTIONAL FENCE (22.86m) 75.00Ft. SIDE (EAST) LOT LINE

LANDSCAPED AREA

6'0" HIGH (CLOSED) EXISTING BOARD FENCE TO REMAIN (NO CHANGE)

COMMERCIAL ADDITION TO MOTOR BUILDING

SIDE (NORTH) LOT LINE 35.00Ft. (10.66m)

CLEAN/TRIM/MAINTAIN LANDSCAPED AREA TO REMAIN

MIN. 39.60Ft. (12.95m)

SIDE (SOUTH) LOT LINE

END OF LANE 68.74 Ft. (20.95m)

HUNTER STREET WEST

CURB

MUNICIPAL WALK

H.E.P.C. POLE

SIDE (NORTH) LOT LINE

MAX. 90.150 FT. (27.480m)

PROPOSED BUILDING ENVELOPE

MAX. 24.60 FT. (7.50m)

MIN. 19.685 FT. (6.00m)

MAX. 75.394 Ft. (22.980m)

LINE OF SIGHT OF UNOBSTRUCTED AREA.

FRONT (WEST) LOT LINE 100.00Ft (30.48m)

O.L.S. BAR

CRUSH

14'0"

MUNICIPAL WALK

CURB

EXISTING BAN DU TERMINA

CURB CROSSIN

H.E.P.C.

H.E.P.C. POLE

THE MEWS OF LOCKE STREET.

WENTWORTH CONSTRUCTION PLANNING

LOCKE STREET SOUTH. #7

DA-93-05 ZA-93-43 By-law 93-031

LANDSCAPE DETAIL.

KEY	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	CALIPER	QTY
(A)	TAXUS CUSPIDATA NANA	DWARF JAPANESE YEW	48"		2
(B)	THUJA OCCIDENTALIS 'WOODWARDII'	GLOBE CEDAR	36"		5
(C)	JUNIPERUS CHINENSIS PFITZERIANA 'AUREA'	GOLD DUST JUNIPER	36"		2
(D)	JUNIPERUS HORIZONTALIS 'BLUE NILE'	BLUE ALPINE JUNIPER	48"		6
(E)	EUONYMUS FORTUNEI 'COLORATA'	COLORATA EUONYMUS	48" SPREAD		2
(F)	VINCA MINOR	PERIWINKLE	10" SPREAD		CA
(G)	C.U.B. x 10'0" WIDE PRE-CAST TREATED RAIL ROAD TIES				
(H)	INDICATES SODDED (GRASS) AREA.				
(T)	CORNUS ALBA 'ELEGANTISSIMA'	SILVERLEAF DOGWOOD	24"		22

EXISTING 20.00 FT. ± CUT TO A.C. TRIER C.I.T.S.N.D.S. & MUNICIPAL AGENTS LTD.

24.98 FT. (7.61 M)

DA-93-05

EXISTING 20.0 CROWN TAPER

SCHEDULE 'E'

EXISTING 20.00 FT. TO 10.00 FT. MAPLE TREES & SHRUBS

AREA TO BE CLEANED, BUSHES APPROPRIATELY TRIMMED OR DEADWOOD & GROUND COVER SUCH AS GRASS &/OR GROUNDCOVER TO BE RE-ESTABLISHED AND MAINTAINED.

OUTLINE OF EXISTING (HOD)

EXISTING 6'0" HIGH CLOSED BOARD FENCE TO REMAIN

EXISTING 20.00 FT. HIGH MAPLE TREES

REMOVE ALL EXISTING ASPHALT

REMOVE ALL EXISTING ASPHALT

REPLANT AREA, REGRADING. MAY REQUIRE REMOVAL OF BUSHES. CLEAN & TRIM SHRUBS ON PROPERTY LINE OR ARRANGE REPLACING WITH ABUTTING OWNER WITH MIN. 3/8

PROPOSED BUILDING ENVELOPE.

EXISTING 3 FOOT HIGH CHAIN LINK FENCE

OPTIONAL FENCE LINE

EXISTING HYDRO PHONE TELEPHONE

PROP. INGRESS RAIL ROAD TIES SET LEVEL WITH CONCRETE WALK (MIN.)

ADJUST TO MATCH GRADE OF TREASURE ISLE

8729 HUNTER S.W.

DRIVE

LARGE CALIPER TREE TO REMAIN.

OPTIONAL FENCE LINE OR FENCE

8'0"

SIDE (EAST) LOT LINE

SIDE (WEST) LOT LINE

SOUTH CHELSEA

MUNICIPAL WALK

H.E.P.C. POLE

14.48 FT. (4.50 M)

HALSTEN STREET WEST

DITTO FRONT (WEST) LOT LINE) 100.00 FT (30.48 M)

DITTO.

24" x 24" x 2" PRE-CAST CONC. PAVER STONES ON 6" GRANITE CHIPS (OR EQUAL)

MUNICIPAL WALK

CURB

H.E.P.C. POLE

2" x 4" TOP RAIL & RAILER TYP.

1" x 6" RAILS. 1-2" x 4" NAILED

TYPICAL FENCE DETAIL n.t.s.

ALL WOOD TO BE PRE-SERVATIVE TREATED (OR CEDAR)

ALL NAILS TO BE GALV. ARDOX (OR S.S.)

LOCKIE STREET SOUTH #1

THE MEWS OF LOCKIE STREET.

(139, 141, 143, 145 & 147 LOCKIE STREET) SITE LANDSCAPE PLAN.

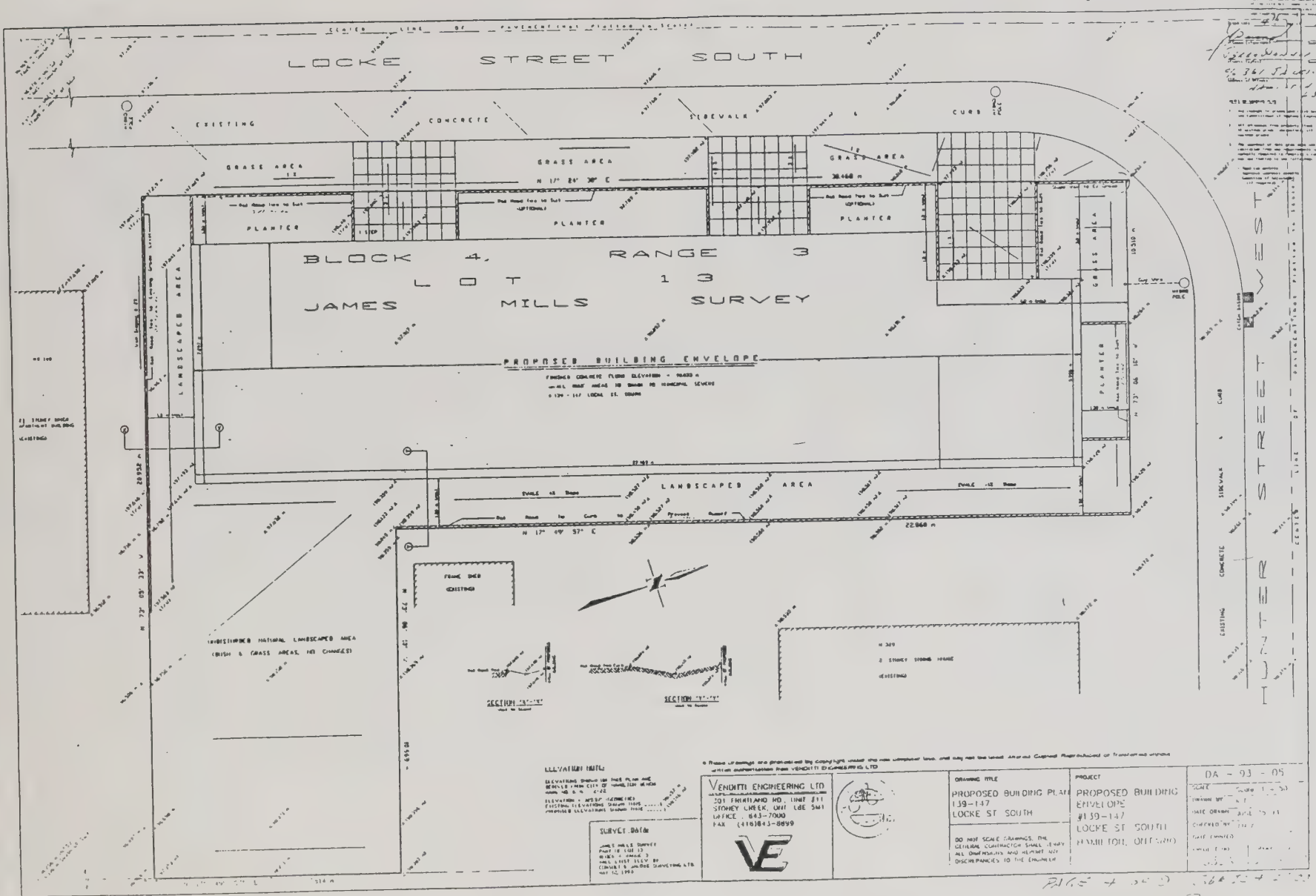
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Z.A-92-43

DA-93-05 MYLAR 93-031

DA - 93 - 05

SCHEDULE 'F'



4.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 October 2
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

a) Minutes of the Meeting held 1996 September 18

b) Minutes of the Special Meeting held 1996 September 24

B. BUILDING COMMISSIONER

a) Hamilton Emergency Loan Programme - 145 Picton Street East

b) Commercial Property Improvement Loan Program - 417 Barton Street East

c) Commercial Property Improvement Loan Program - 447 Barton Street East

d) Commercial Property Improvement Loan Program - 448 Barton Street East

e) Building Permit Fee Reduction for Barrier-Free Access in Single and Two Family Dwellings

f) Demolition - 140 Rymal Road West

g) Demolition - 150 Rymal Road West

C. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Proposed Niagara Escarpment Plan Amendment (PC/113/96) - Heritage Policies for Second Dwellings.

b) Application to remove Part Lot Control - Wisemount Estates, Phase 7

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Aa)

1996 Wednesday, September 18
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman G. Copps
Alderman F. Eisenberger
Alderman H. Merling
Alderman Wm. McCulloch
Alderman M. Caplan
Alderman B. Charters

Regrets: Mayor R. Morrow, Civic Business

Also Present: Victor Abraham, Director of Planning and Development
Joanne Hickey-Evans, Planning Department
Keith Extance, Planning Department
Bill Janssen, Planning Department
Steve Robichaud, Planning Department
Peter Lampman, Building Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Mike Watson, Property Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 96-09, by Hamilton Habitat for Humanity, owner, for a change in zoning for Block "1", from "AA" District to "R-4" District and Block "2" from "AA" District to "R-4" - "H" District for property located at 607 Queen Victoria Drive**

Submissions:
(a) Karen Daniels, Ministry of Citizenship, Culture and Recreation (no comment)

(b) Zenon Kulchisky, 572 Queen Victoria Drive, Hamilton (opposed)

The applicant was present in support of his application.

As recommended in a report dated 1996 September 10 from the Director of Planning and Development, the Committee recommended to Council as follows:

That approval be given to Zoning Application 96-09, Hamilton Habitat for Humanity, owner, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1" and from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Dwellings - Holding) District for Block "2", for property located at 607 Queen Victoria, shown on the attached map marked as Appendix "A", on the following basis:

(i) That Blocks "1" & "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District; and,

(ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential" upon finalization of the implementing By-law.

2. **Zoning Application 94-19 and proposed Plan of Subdivision "Tiffany" (SAC-94-02/25T-94019(R)), by Starward Homes Ltd., prospective owner, for lands located west of Sanatorium Road and north of Chedmac Drive.**

Submission: (a) Scott Konkle, Hamilton Conservation Authority (Support with conditions)

Adi Irani and Ward Campbell were present in support of the application..

Joanne Hickey-Evans explained that an application has been made for 178 lots; 110 single lots and 68 small single lots. There has been a block left for parkland and a public walkway dedication, 20 meters in length, being Block 181 in the plan. Conditions respecting storm water management facility are being imposed.

Out of 137 notices circulated, 9 have replied in favour and 7 opposed.

Adi Irani of A.J. Clarke and Associates, agent for Starward Homes stated that the neighbourhood plan was approved a few months ago. The applicants have 5 concerns.

With regard to page 2, item (xi). He requested that from Street E to Scenic Drive be added. The Committee concurred and moved to amend the resolution accordingly.

With regard to item (xvii), he requested that "reduced" be changed to "amended" in order that the configuration could be changed accordingly. The Committee concurred to amend the resolution accordingly.

With regard to item (xvii), Mr. Irani suggested that the natural vegetation is being requested for the pond, but, it is also being requested that it be fenced off from the residential properties and the applicants do not agree with doing both. Eugene Chajka stated that it is important that the barrier between the residential and open space be maintained since the two uses are distinct and should be defined. Alderman Merling stated that there have been incidents where neighbours have mowed down the natural vegetation because their yards have been open to it.

Alderman D'Amico stated that the requirement of the storm water retention is by the Niagara Escarpment Commission. He felt that a division with fences because it is a safety issue. It will protect children from wandering into the pond. Eugene Chajka added that the fencing and vegetation buffering work in tandem. The Committee concurred that this item not be changed.

With regard to item (xxii) sub (2), Mr. Irani requested that inspections be conducted every 30 days after a rainfall because every 14 days is too often. Eugene Chajka explained that the 14 day requirement comes from guidelines for erosion protection adopted by Council in the previous year. The Committee members agreed to amend the resolution to change 14 days to 30 days.

Joanne Hickey-Evans pointed out and the Committee concurred that item (xx) has been inadvertently duplicated and therefore should be deleted.

With regard to the walkway issue, Adi Irani suggested a 10 metre walkway and not a 20 metre walkway, since a 20 metre walkway would reduce the yield of properties by one lot. Alderman D'Amico concurred.

Bill Janssen stated that if this is done, the walkway should be aligned to the centre line of the road for safety reasons. Mr. Irani explained that he would prefer to align it with one side of the road or the other.

Alderman D'Amico requested and the Committee concurred that the walkway portion be tabled to be dealt with at a special meeting prior to the Council meeting.

A discussion ensued with regard to walkways in general.

Alderman Merling stated that the trend is for residents to eventually ask the City to remove walkways because they become a nuisance to the surrounding residents. Alderman Eisenberger concurred and stated that it should be totally removed.

Eugene Chajka stated that the reason why it is in this plan is because it is also a utility corridor and also it connects to a bus route which accommodates people coming through from another neighbourhood.

Following discussion the Committee resolved to approve the recommendation of the Director of Planning and Development dated 1996 September 12 as amended to be forwarded to Council as follows:

A. (a) That approval be given to revised Subdivision Application 25T-94004(R), Starward Homes, prospective owner, for a draft plan of subdivision "Tiffany", on lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated July 10, 1996, showing 178 lots (110 single family lots and 68 small-lot single family lots), a block for parkland (Block 183), a block for a public walkway (Block 181), a block for storm water management (Block 179), a block for 0.30 m reserve (Block 182), 2 blocks for road widening purposes (Blocks 180 and 184) and five new streets and the extension of Chedmac Drive, as shown on the attached map marked as Appendix "C"; and,

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(viii) That the Owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E"; and,

(ix) That the owner align Chedmac Drive in the vicinity of Lots 136 to 146, and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 179, in conjunction with the development of the subdivision lands, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department; and,

(x) That the owner implement the recommendations of a detailed functional engineering study, approved by the Regional Environment Department, showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road; and,

(xi) That the owner be responsible for all costs in the upgrading of Sanatorium Road based on the detailed functional engineering study between Street "E" and Scenic Drive only; and,

(xii) That the owner assume all costs on both sides of the internal boundary streets when the subdivider owns the remaining lands abutting the subdivision (i.e. Chedmac Drive and Street "E"); and,

(xiii) That the Owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department; and,

(xiv) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City in conjunction with registration of the Final Plan of Subdivision; and,

(xv) That the Owner convey all the necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton; and,

(xvi) That the Owner convey Block 183 to the City of Hamilton for Park/Open Space; and,

(xvii) That the owner retain the services of qualified professionals to complete a comprehensive design study and implement the details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Commissioner of the Regional Environment Department. Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be amended; and,

(xviii) That the Owner provide fencing to all residential lots adjacent to the proposed stormwater management facility; and,

(xix) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial and otherwise of the City of Hamilton; and,

(xx) That the Owner submit a phasing strategy report and phasing plan to the satisfaction of the Commissioner of the Regional Environment Department. The phasing strategy report will detail the servicing of each phase, including the timing of the construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations; and,

(xxi) That the Owner submit a sediment and erosion control plan to the satisfaction of the Commissioner of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 30 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial actions taken, to the satisfaction of the Senior Director, Roads Department; and,

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(xxii) That the owner dedicate by certificate Block 184 to the City of Hamilton for a road widening adjacent to Block 183, as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south; and,

(xxiii) That the owner dedicate by certificate Block 180 to the City of Hamilton for a road widening; and,

(xxiv) That the owner dedicate sufficient lands to the City, in accordance with recommendations of the approved functional engineering study for Sanatorium Road, from Street "E" to Scenic Drive, adjacent to Block 180, and that these lands (for road widening) be included on the Final Plan of Subdivision as a separate Block to be dedicated as public highway to the City by Certificate; and,

(xxv) That the owner pay any applicable servicing costs to the City associated with the 0.30m reserve known as Part 20 on Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 183 and the east limit of Street "B"; and,

(xxvi) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands; and,

(xxvii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94004(R)), Starward Homes, perspective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

B. (a) That approval be given to amended Zoning Application 94-19, Chedoke Health Corporation and Starward Homes, owner and perspective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family Dwelling) District and "A" (Conservation, Open Space, Park and Recreational) District, for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, shown as Blocks "1", "2", "3" and "4" on the attached map marked as Appendix "B", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4"" (Small Lot Single Family Dwelling) District; and,

(iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District; and,

(iv) That the Director of Planning and Development be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council; and,

(v) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area, as amended by revised OPA-135, upon approval of the Official Plan Amendment by the Region of Hamilton-Wentworth; and,

(vi) That the implementing Zoning By-law not be presented to Council for adoption until the By-law to adopt OPA-135 has been passed by Council; and,

(b) That the approved Mountview Neighbourhood Plan be amended to revise the street pattern as per the revised plan of subdivision "Tiffany".

A brief discussion ensued with regard to the Chedoke Health Corporation and the City maintaining a portion of the property as parkland. Alderman Eisenberger was concerned with regard to the cost of this property.

3. **Zoning Application 96-10, by E. L. Richter, Leasee, for modifications to the established "A" District regulations for Block "1", and to the established "JJ" District regulations for Block "2", for lands located on the north side of Barton Street East, east of 244 Lake Avenue North.**

The applicant was present in favour of the application.

Joanne Hickey-Evans advised that this application is basically for a parking lot as an accessory used to an existing building.

Of 445 people circulated, 12 replied in favour and 2 opposed.

Alderman Copps was concerned that this is taking over conservation open space park and recreation land.

As recommended in a report from the Director of Planning and Development dated 1996 September 10 the Committee recommended to Council as follows:

(a) That approval be given to Amended Zoning Application 96-10, E.L. Richter, lessee, for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and to the "JJ" (Restricted Light Industrial) District regulations for Block "2", to permit parking only, in conjunction with the adjacent lands located at No. 244 Lake Avenue North, for lands located on the north side of Barton Street East, east of No. 244 Lake Avenue North, as shown on the attached map marked as Appendix "D", on the following basis:

(i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 7.(1) of By-law No. 6593, a parking area only as an accessory use to a permitted use at No. 244 Lake Avenue North, shall be permitted; and,

(2) Sections 18A.(11) and 18A.(12) shall not apply to a parking area accessory to a permitted use at No. 244 Lake Avenue North; and,

(ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A.(1) of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

(1) Notwithstanding Section 16A.(1) of By-law No. 6593, a parking area as an accessory use to a central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products use located at No. 244 Lake Avenue North, shall be permitted; and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1369, and that the subject lands on Zoning District Map E-113 be notated S-1639; and,

(iv) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council; and,

(v) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

*** Alderman Copps opposed.**

4. **Zoning Application 94-32 and proposed Plan of Subdivision "Orchard North" (SAC-94-04/25T-94012), by Starward Homes Ltd. and Ward Campbell/Brian Morrison, owners, for a change in zoning for lands located south of the proposed Mountain Freeway and west of West Fifth Street.**

The Committee was in receipt of a report from the Planning and Development Director dated 1996 September 12.

Joanne Hickey-Evans advised that rezoning is for 40 single family lots, 51 small single family lots, 12 fourplexes and 22 small lot interlinks. She advised that the quads will look like semi-detached housing from the street. There will be site specific amendments to allow for innovative residential units.

Of 329 notices sent, 7 replied in favour and 9 opposed.

Mr. Adi Irani and Ward Campbell were present on behalf of the applicant. He stated that he regrets that he has not had an opportunity to meet with Planning Department staff and suggested various changes to the recommendation.

Following brief discussion, the Committee resolved to table the application to the next meeting of the Planning and Development Committee in order to resolve any outstanding concerns.

5. **Proposed Falkirk West Neighbourhood Plan.**

The Chairman of the Committee advised those present that should any person fail to make an oral or written submission or presentation with regard to the Neighbourhood Plan the O.M.B. may not consider any future appeals on this matter.

Bill Janssen advised that this is the final neighbourhood plan on the west mountain to be adopted. Single detached homes in the residential area will have large lots with 40 to 50 feet minimum widths and innovative housing mixed in a community setting; this will be architecturally attractive. An interesting feature is front lotting on Upper Paradise Street. The plan intends to create an alternative and unique area recognizing the Tiffany Creek environmentally sensitive area.

Sergio Manchia of Planning Initiatives was present. He explained that he and John Ariens of Planning Initiatives have authored the plan on behalf of the developers. He stated that 50% of the neighbourhood is single family and it will be a sustainable community. They have had 2 formal public meetings. The residents and landowners are pleased with the results.

Adi Irani was present in support of the recommendations. He has concerns on behalf of the Sgro family who owns land in the north-east section of the plan site. He stated that the Sgro family does not want to be tied down to that particular street pattern. They would like to the lots abutting the houses to be smaller than 40 or 50 foot lots.

Mr. Jay Matthew, owner of the Upper Paradise mall, supports the plan. He notes that on Upper James and Rymal there is a 3,000 square foot mall. Therefore it is not necessary to have commercial in the new area, as that area will already be serviced with commercial area.

In response to Mr. Irani's comments, Mr. Manchia stated that the plan has been reviewed by staff, developers and the community and they have all been in agreement. Therfore, the plan should go as it is.

Alderman D'Amico stated that he has concerns with respect to traffic patterns on Stone Church Road West and directly across from St. Thomas Moore Highschool on Upper Paradise.

As recommended in a report from the Director of Planning and Development dated 1996 September 4, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 136 to redesignate the lands encompassed by the Tiffany Creek Environmentally Sensitive Area within the Falkirk West Neighbourhood from "Residential" and "Major Institutional" to "Open Space" on Schedule A - Land Use Concept of the Official Plan; and,

(b) That the proposed Falkirk West Neighbourhood Plan policies and land use schedule, (previously distributed to the members of the Committee) marked as Appendix "E", be adopted.

6. **Zoning Application 96-07, by Dicon Developments, owner, for changes in zoning from "AA" District to "RT-20" District (Block "1") and "C" District (Block "2") for lands located at 988 Upper Paradise Road.**

Joanne Hickey-Evans advised that the Site Plan Control can be addressed through a modified Sub-Division Agreement.

With regard to zoning, she recommended that Site Plan Control be removed.

As recommended in a report dated 1996 September 10, the Committee recommended to Council the recommendation from the Director of Planning and Development, as amended, as follows:

That approval be given to amended Zoning Application ZAC-96-07, Dicon Developments, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District and "C" (Urban Protected Residential, etc.) District, for property located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road, known municipally as 988 Upper Paradise Road, shown as Blocks "1" and "2" on the attached map marked as Appendix "F", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances, as special requirements:

(1) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 8.5 metres shall be provided and maintained; and,

(2) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot or tract of land shall have a minimum width of 15.0 metres and an area of at least 450 square metres within the district; and,

(3) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained for each single family dwelling;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S -1370, and that the subject lands on Zoning District Map W-9B be notated S -1370; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Block "2" under Site Plan Control; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

7. REFERRALS BACK FROM COUNCIL

Application for Building Permits for:

(a) 1187 West 5th Street
(b) 1193 West 5th Street

Alderman D'Amico advised that the buildings are vacant and there have been fires in the buildings. They have been a hazard and are a concern to the neighbourhood residents.

The Committee therefore resolved to recommend to Council as follows:

That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act for the following properties:

(a) 1187 West 5th Street; and,

(b) 1193 West 5th Street.

8. BUILDING COMMISSIONER

Downtown Revitalization - Hamilton Convert/Renovate-to-Rent Loan Program

A short discussion ensued with regard to interest on arrears.

The Committee amended the recommendation by changing the interest on arrears on Appendix "A" from 6% per annum compounded annually, to the rate charged for interest on tax arrears.

As recommended by the Building Commissioner and the C.A.O. in a report dated 1996 September 4 as amended, the Committee recommended to Council as follows:

(a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement a Downtown Convert/Renovate-to-Rent Loan Program (as outlined and attached hereto as Appendix "G") to provide interest free loans to owners of commercial properties located within the downtown core (described as attached hereto and marked as Appendix "H"), for conversions of vacant upper floor non-residential premises into apartments or renovations to existing apartments in commercial buildings to bring them in compliance with the Property Standards By-law and Fire Code; and,

(b) That this Loan Program be approved conditional upon:

(i) approval by the Planning and Development Committee and Council of:

(1) a By-law to designate as a Community Improvement Project Area pursuant to the Planning Act, (s. 28), that portion of the downtown outlined in the attached Appendix "H"; and,

(2) a By-law to adopt a Community Improvement Plan for the said designated area to provide for the Downtown Convert/Renovate-to-Rent Loan Program (as generally outlined in attached Appendix "G "); and,

(ii) approval of the Minister of Municipal Affairs and Housing to the said two by-laws and to the City's exercise of its authority and power under the community improvement provisions of the Planning Act for the purpose of carrying out the said Plan; and,

(iii) the initial capital funding of $180,000 from the City being approved by Council upon the recommendation of the Finance and Administration Committee; and,

(c) That the Regional Municipality of Hamilton-Wentworth, pursuant to the Regional mandate to encourage economic development within the Region, be requested to make this Loan Program a joint community improvement/economic development project by matching the City's $180,000 such that the total loan Capital available for the Downtown Convert/Renovate-to-Rent Loan Program project shall be $360,000; and,

(d) That the City Solicitor be authorized to prepare the said two by-laws for presentation to Council; and,

(e) That staff be authorized and directed to:

(i) in preparation for adoption of the Community Improvement Plan by by-law, as required by the Planning Act, prepare and submit the proposed Community Improvement Plan (including the terms of the Downtown Convert/Renovate-to-Rent Loan Program outlined in Appendix "G") to Council and hold a public meeting to receive citizen input; and,

(ii) prepare the proposed by-law schedule in accordance with attached Appendix "H" to define the downtown area to be designated by By-law as a new Community Improvement Area pursuant to the community improvement provisions of the Planning Act (sec. 28); and,

(iii) apply to the Minister of Municipal Affairs and Housing for the approvals referred to in paragraph (b)(ii) above; and,

(f) That the Building Department, Housing and Loans Division, administer the Downtown Convert/Renovate-to-Rent Loan Program after the said conditions have been fulfilled.

9. **DIRECTOR OF PROPERTY**

Option to Purchase from Canadian National Railway Company Lands Abutting Ferguson Avenue

As recommended in the report from the Director of Property dated 1996 September 10, the Committee recommended to Council as follows:

(a) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton; part of South Street between Cathcart and Ferguson Avenue, on Registered Plan 89, part of Lane north of Murray Street, part of Lots 132 and 134 and all of Lot 133 on Registered Plan 287; part of Lane south of Murray Street and part of Lots 112, 121, 122, 123, 124, 125 and 126 on Registered Plan 287, comprising in total an area of .36 hectares (0.9 acres) more or less, all shown as Parts 1, 4 and 5 on Plan 62R-12423, identified as CN PIN Number 40835, be approved and completed and the purchase price of $3,112.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,

(b) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton, part of Elgin Street (now closed), part of lane adjoining Lots 87 and 88 on Registered Plan Number 287, part of Lot 88 on Registered Plan Number 287, part of Murray Street (now closed), having a frontage of 119.091 metres (390.71 feet) more or less, along the western limit of Ferguson Avenue, comprising an area of .40 hectares (1.0 acre) more or less, all shown as Part 1 on Plan 62R-13522, identified as CN PIN Number 40708, be approved and completed and the purchase price of $3,162.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,

(c) That as consideration in the amount of $2.00 has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

10. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1996 August 21 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Revised Board of Management - Concession Street Business Improvement Area (B.I.A.) - 1996-1997 dated 1996 September 1

(a) That Schedule 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be amended to delete the following name:

SCHEDULE 'B'

Norm Woolcott	Woolcott's Shoes

and add the following:

John Woolcotts	Woolcott's Shoes
Debbi Johnson	Why Pay More
Paul Wharton	Wharton's Copy Print and More

(b) That the City Solicitor be authorized and directed to prepare a By-law to amend Schedule 'B' of By-law No. 86-144 pursuant to (1.) above.

C. CITY SOLICITOR

(a) **Repeal of Heritage Designation - 2774 King Street East. dated 1996 September 5**

That the historical designation of a house at 2774 King Street East be removed by the enactment of a By-law to repeal the Designation By-law.

(b) **By-law to Amend the Conveyance of Land for Park Purposes By-law and Other Fee By-laws for the Downtown Area dated 1996 September 11**

That the appropriate By-law to amend the Conveyance of Land for Park Purposes By-law, the Planning Fees By-law, the Committee of Adjustment By-law and the Building Permit and Fees By-law be enacted.

D. BUILDING COMMISSIONER

(a) **Demolitions dated 1996 September 6:**

That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for the following properties:

(i) 10 Limeridge Road West
(ii) 1321 Upper Wellington Street
(iii) 1329 Upper Wellington Street

(b) **394 Barton St. E. - Commercial Property Improvement Loan Program dated 1996 September 5**

(i) (1) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for improvements to 349 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(ii) (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for exterior storefront improvements to 349 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

E. DIRECTOR OF PLANNING AND DEVELOPMENT

Extension of Draft Plan Approval "Ridgeview Estates Phase III" Subdivision (25T-76046) dated 1996 September 9

(a) That the request by Valery Construction Limited, to extend draft plan approval for "Ridgeview Estates - Phase III" subdivision under Regional File No. 25T-76046 for a further three (3) year period to August 1, 1999, be approved; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

F. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) **Former St. George's Church and Sunday School, 137 Strathcona Avenue North/10 Tom Street - Designation dated 1996 September 10**

(i) That the report of the Conservation Review Board dated 1996 May 9 recommending the designation of the former St. George's Anglican Church and Sunday School at 137 Strathcona Avenue North/10 Tom Street, be adopted and that the Church property as outlined in the Reasons for Designation attached hereto and marked as Appendix "I" be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,

(ii) That the By-law attached hereto and marked as Appendix "J" designating the property at 137 Strathcona Avenue North/10 Tom Street be adopted.

(b) **Lister Block - Meeting to Identify Ways of Securing Building dated 1996 September 10**

That the Chief Administrative Officer be requested to convene a meeting with representatives from the Fire Department, Hamilton-Wentworth Regional Police Department, Planning and Development Department and the Building Department, to determine what courses of action can be taken by the City in securing the Lister Block located at 28-44 James Street North/5-21 King William Street, in light of three recent fires at the building.

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following items for information which were received under separate cover.

(a) City Solicitor Re: 412 Aberdeen Avenue, Zoning By-law Appeal to the Ontario Municipal Board - Motion to dispense with a public hearing, dated 1996 September 9.

(b) Director of Planning Re: Site Plans for Approval, dated 1996 September 10.

(c) Commissioner of Public Works and Traffic Re: Barton Street Revitaliztion - Streetscape Component, dated 1996 September 6.

(d) Secretary, LACAC Re: Minutes of the meeting held 1996 July 15, dated 1996 September 9.

(e) Director of Planning Re: Planning and Development Department Quarterly Report as at 1996 June 30, dated 1996 September 10.

11. OTHER BUSINESS

(a) **Mobile Signs**

In response to a question, Peter Lampman advised that the Building Department is presently in the process of conducting an inventory of all signs. Ward 7 and 8 have been completed and they are now doing various areas throughout the City.

Victor Abraham advised that by November, a by-law will be brought before Council on this matter.

12. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

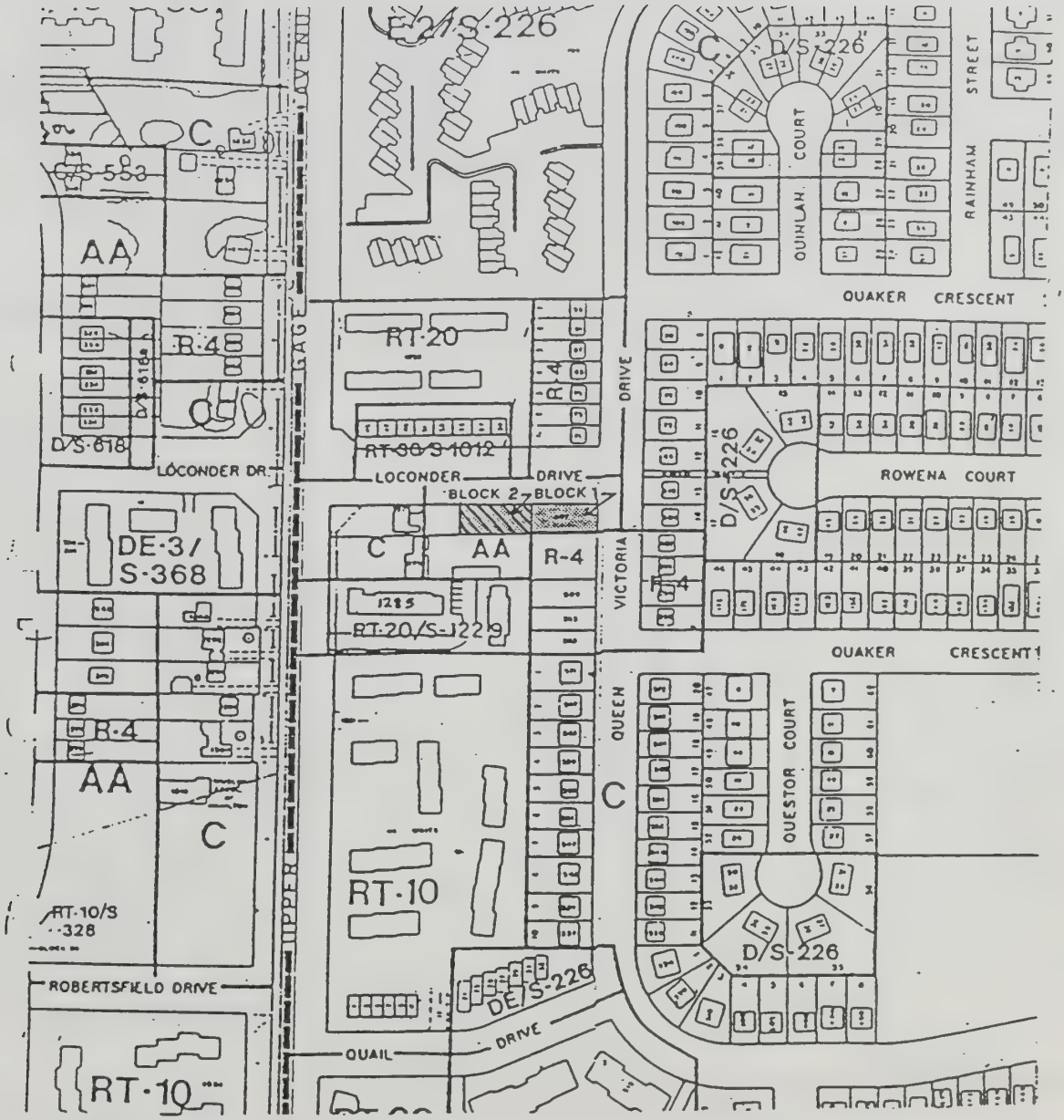
Taken as read and approved.

Alderman D. Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary

/br

Appendix "A" as referred to in Section 1. of the Planning and Development Committee Minutes dated 1996 September 18



Legend

Site of the Application

Proposed change in zoning from:

BLOCK 1 — From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

BLOCK 2 — From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Detached - Holding) District;

Appendix "B" as referred to in Section 2 of the Planning and Development Committee Minutes dated 1996 September 18



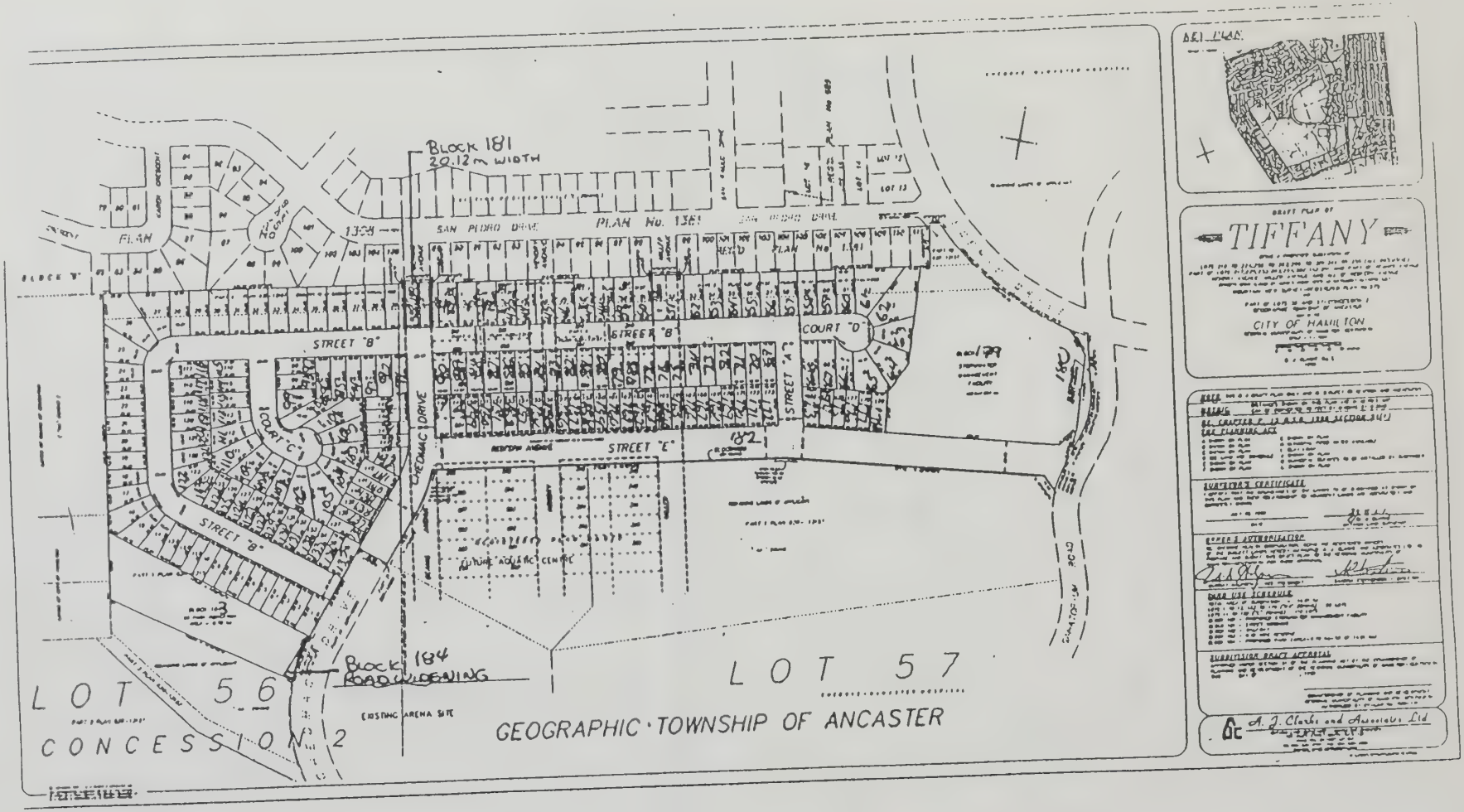
Legend

Proposed change in zoning from:

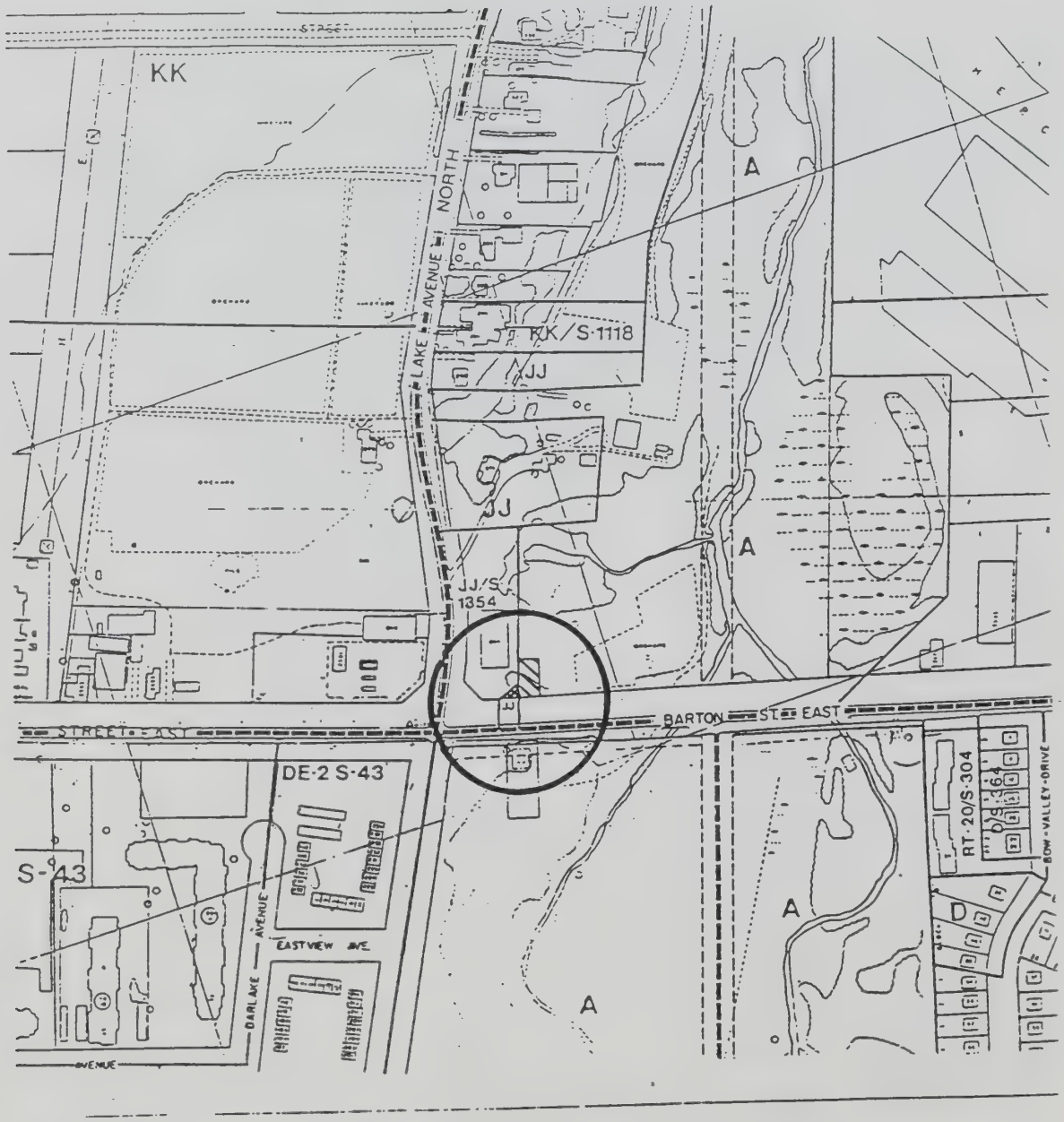
BLOCK 1		"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
BLOCK 2		"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District
BLOCK 3		"AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District
BLOCK 4		"AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District

ZAC-94-19

Appendix "C" as referred to in Section 2 of the Planning and Development Committee Minutes dated 1996 September 18



Appendix "D" as referred to in Section 3 of the Planning and Development Committee Minutes dated 1996 September 18



Legend

ZAC-96-10

Proposed Modification to the established:

BLOCK 1 — "A" (Conservation, Open Space, Park and Recreation) District.

BLOCK 2 — "JJ" (Restricted Light Industrial) District.

Appendix "E" as referred to in
Section 5 of the Planning and
Development Committee Minutes
dated 1996 September 18

THE FALKIRK WEST NEIGHBOURHOOD
POLICIES AND PLAN

Prepared by:

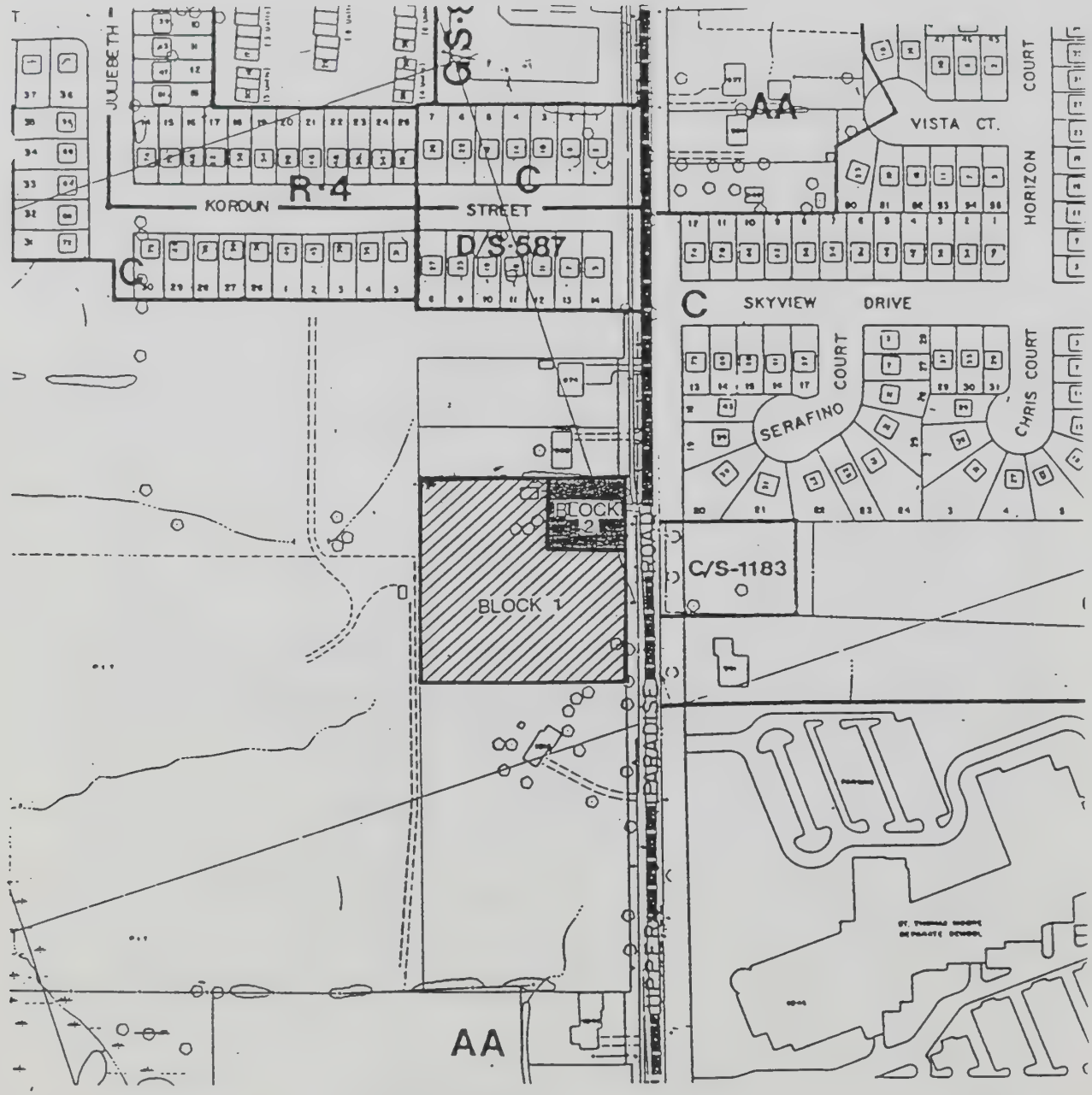
PLANNING INITIATIVES LTD.
Engineers, Planners and Landscape Architects
118 Jackson Street East
Hamilton, Ontario
L8N 1L3
Tel (905) 546-1010
Fax (905) 546-1011

September 1996



COMPLETE PACKAGE DISTRIBUTED TO MEMBERS OF CITY COUNCIL UNDER SEPARATE COVER.

Appendix "F" referred to in
Section 6 of the Planning and
Development Committee Minutes
dated 1996 September 18



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District

BLOCK 2 — "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

ZAC-96-07

Appendix "G" referred to in
Section 8 of the Planning and
Development Committee Minutes
dated 1996 September 18

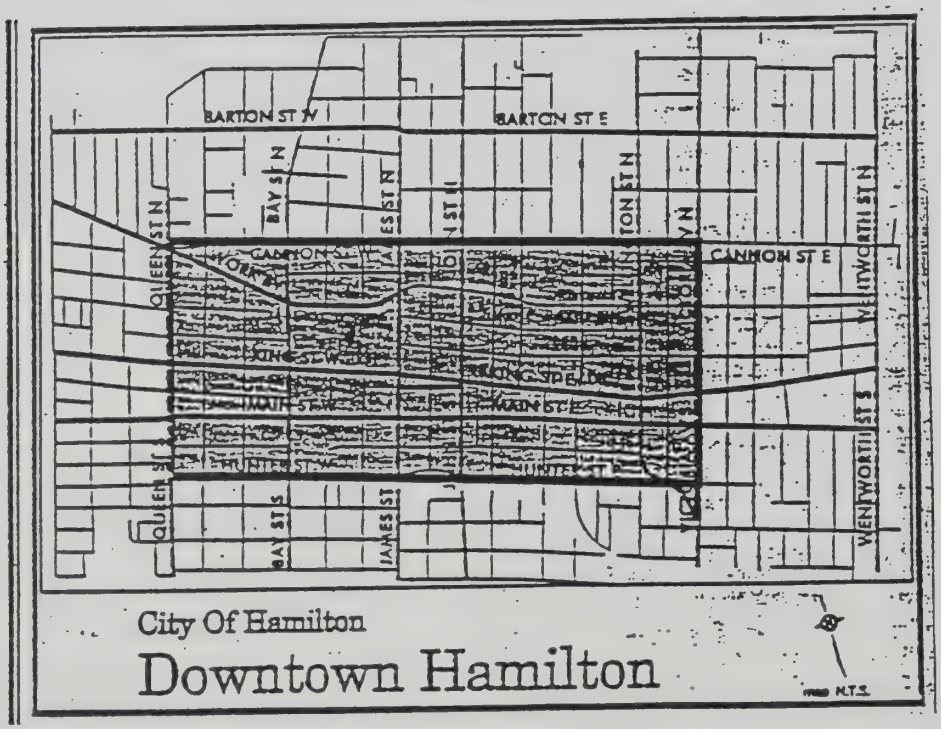
Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

(a)	Lender:	The Corporation of the City of Hamilton
(b)	Duration of loan program:	Until terminated by Council
(c)	Initial loan Capital: Additional loan Capital:	$180,000 - City funds $180,000 - Region funds
(d)	Loan Interest rate:	Zero interest
	Interest on arrears:	12.9996% per annum or such tax arrears interest rate established by Council
(e)	Maximum loan term:	Ten years (subject to prior termination on default) Principal repayable in monthly amounts over 120 months
(f)	Maximum Loan:	The lesser of cost or $12,000 per apartment unit with a maximum of $48,000 loan per property;
(g)	Purpose of Loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings;
(h)	Security:	Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
(i)	Minimum Equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed;
(j)	Realty taxes:	In good standing at all times
(k)	Eligible Costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
(l)	Sale or refinancing of property:	Loan due in full;
(m)	Revolving Loan Account:	Loan repayments to be credited to loan program account for re-lending;
(n)	Except as provided above, subject to City's usual lending criteria.	

Appendix "H" referred to in
Section 8 of the Planning and
Development Committee Minutes
dated 1996 September 18

Proposed Area for Hamilton Downtown Convert/Renovate-to-Rent Program

All commercial properties inside the boundary of Queen Street, Cannon Street, Victoria Avenue, and Hunter Street as identified on the following map:



Appendix "I" referred to in
Section F (a) of the Planning
and Development Committee Minutes
dated 1996 September 18

REASONS FOR DESIGNATION

Former St. George's Anglican Church and Sunday School

137 Strathcona Avenue North
(10 Tom Street, Hamilton)

Context

Built in 1890, St. George's Anglican Church is situated at the north-west corner of Tom Street and Strathcona Avenue North between Victoria Park and Dundurn Park. This attractive, unpretentious Gothic Revival church and its adjacent Sunday school fit comfortably into the surrounding late 19th/early 20th century residential neighbourhood, with its pleasant mix of modest one-storey frame houses and larger two-storey brick dwellings. The low-rise character of the church setting is interrupted only by the apartment tower to the south-east of St. George's, built on the large site of the former Semmens & Evel Casket Company.

Architecture

Built in the Gothic Revival style, St. George's is typical of the Anglican parish churches erected in the late 19th century to serve Hamilton's expanding neighbourhoods. The characteristic steeply-pitched roof, belfry, buttressed brick facade, and pointed-arched windows of St. George's can also be found in St. Luke's in the north end (1889); St. Mark's (1878) and St. John the Evangelist (1892) in the south end; and St. Matthew's (1887, demolished) and St. Peter's (1892, later rebuilt) in the east end. Although simple and unadorned, this form of the gothic parish church has its roots in the rich tradition of English church architecture.

Credited to Hamilton architect J. H. Young, the church was constructed in 1890 and extended easterly by two bays in 1902, creating a new facade on Strathcona North with corbelled brick decoration and a triple gothic window. The interior sanctuary consists of one, entirely open space, featuring exposed roof trusses, and some fine stained-glass windows. In 1925, the entrance vestibule was added to the front facade. Taken altogether, the pleasing simplicity of design and the balance of proportions make St. George's an architecturally distinguished neighbourhood landmark.

In 1911, the Reverend Frederick E. Howitt, noted both locally and internationally for his work in religious education, undertook the construction next door of a major Sunday school. Set back from Tom Street, the Sunday school building is a tall, brick structure comparable to the church in height and scale. Its exterior treatment is unusual with elaborate brick corbelling on the gable front and widely spaced Tudor-arched windows; the interior Sunday school layout consists of a large, two-storey open room containing classrooms and a mezzanine on three sides. Although the church schoolhouse was a popular addition in the 1890's, St. George's example is unusually large for the size of the church; as a free-standing church school, it is a relatively rare building type today. Formerly accommodating as many as 900 children, the school stands as a testimony to the value that St. George's parish placed on education.

These two brick buildings, church and school, are situated at right angles to each other around a grassed forecourt. Together, they form an interesting architectural complex which enhances the urban character of the neighbourhood.

History

Opened as St. George's Chapel of Ease, the church was built to serve parishioners in the west end of the Parish of All Saints. Only three years later, St. George's became a separate parish, defined as the area westward from Locke and Locomotive (Ray, north of York) Streets to the Ascension (Hamilton) Cemetery and from Main Street to the harbour. By the turn of the century, St. George's Church was an important institution within the thriving West End neighbourhood.

The period of major expansion for St. George's Church and Parish corresponds to the thirty-one year ministry of its third rector, Reverend Frederick E. Howitt, appointed in 1895 and made a canon in 1914. St. George's prominence within Hamilton's Anglican community may be largely attributed to his dedicated and inspirational service. As a gifted preacher and teacher, Canon Howitt attracted large audiences to regular services at St. George's and gave religious instruction to classes throughout the city. Moreover, Howitt's influence extended far beyond the local Anglican community through his work as a missionary and speaker across Canada and the United States.

Another prominent figure in the history of St. George's was its sixth rector, the Reverend Donald H. MacLennan (1941-1966), who made a substantial contribution to the missionary and religious education work begun by Canon Howitt and subsequently associated with St. George's.

Designated Features

Important to the preservation of St. George's Anglican Church are the original features of all four facades of the church, including the brick masonry walls and stone foundation, buttresses, belfry, pointed-arched windows with stone sills, the stained glass windows, doors; the interior sanctuary, including the walls, windows, interior roof trusses and original wood panelling; and all four exterior facades of the adjacent Sunday school, including walls, windows, and the interior open space with its classrooms and mezzanine.

Appendix "J" referred to in
Section F (a) of the Planning
and Development Committee Minutes
dated 1996 September 18

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

THE PROPERTY KNOWN AS ST. GEORGE'S ANGLICAN CHURCH AND SUNDAY SCHOOL LAND LOCATED AT MUNICIPAL NO. 137 STRATHCONA AVENUE NORTH (10 TOM STREET)

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property known as St. George's Anglican Church and Sunday School, located at Municipal No. 137 Strathcona Avenue (10 Tom Street) and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

   (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;

   (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of A.D. 1996

CITY CLERK MAYOR

Schedule "A"

To

By-law No. 96-

St. George's Anglican Church and Sunday School
137 Strathcona Avenue (10 Tom Street), Hamilton, Ontario

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of:

FIRSTLY: Part of Lots 42 and 43 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey in the said City of Hamilton, and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 79 feet northerly from the south-east angle of Lot 41 in the said survey;

THENCE northerly along west limit of Strathcona Avenue, 36 feet to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet easterly from the west limit of said Lot 43, which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 36 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 106670 N.S. which point is distant 79 feet from the north limit of Tom Street.

THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet ore or less to the place of beginning;

SECONDLY: Parts of Lots Numbers 41 and 42 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 50 feet northerly from the south-east angle of said Lot 41;

THENCE northerly along the west limit of Strathcona Avenue, 29 feet more or less to a point;

Ab)

Tuesday, 1996 September 24
7:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met in Special Session.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Mayor R. M. Morrow Alderman Wm. McCulloch Alderman F. Eisenberger Alderman B. Charters Alderman M. Caplan Alderman H. Merling
Regrets:	Alderman G. Copps, Vacation
Also Present:	Alderman M. Kiss Victor Abraham, Director of Planning Joanne Hickey-Evans, Planning Department Eugene Chajka, Regional Environmental Department Scott Konkle, Hamilton Conservation Authority Kevin Christenson, Acting Secretary

1. <u>DIRECTOR OF PLANNING AND DEVELOPMENT</u>

Zoning Application No. 94-19 and Proposed Plan of Subdivision "Tiffany" (SAC-94-02/25T-94019(R)), by Starward Homes Ltd., prospective Owner, for lands located west of Sanatorium Road and north of Chedmac Drive

The Committee was in receipt of a report dated 1996 September 24 from the Director of Planning and Development and the Chief Administrative Officer.

The Committee approved the following recommendation:

(a) That approval be given to revised Subdivision Application 25T-94004(R), Starward Homes, prospective Owner, for a draft plan of subdivision "Tiffany", on lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated July 10, 1996, showing 179 lots (111 single family lots and 68 small-lot single family lots), a block for parkland (Block 184), a block for a public walkway (Block 182), a block for storm water management (Block 180), a block for 0.30 m reserve (Block 183), 2 blocks for road widening purposes (Blocks 181 and 185) and five new streets and the extension of Chedmac Drive, as shown on the attached map marked as APPENDIX "B"; and,

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(viii) That the Owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E"; and,

(ix) That the Owner align Chedmac Drive in the vicinity of Lots 137 to 147, and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 180, in conjunction with the development of the subdivision lands, to the satisfaction of the Director of Public Works and Traffic and the Director of the Roads Division of the Transportation Department; and,

(x) That the Owner implement the recommendations of a detailed functional engineering study, approved by the Regional Environment Department, showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road; and,

(xi) That the Owner be responsible for all costs in the upgrading of Sanatorium Road, from Street "E" to Scenic Drive, based on the detailed functional engineering study; and,

(xii) That the Owner assume all costs on both sides of the internal boundary streets when the subdivider owns the remaining lands abutting the subdivision (i.e. Chedmac Drive and Street "E"); and,

(xiii) That the Owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road, to the satisfaction of the Director of Public Works and Traffic and the Director of the Roads Division of the Transportation Department; and,

(xiv) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City of Hamilton in conjunction with registration of the Final Plan of Subdivision; and,

(xv) That the Owner convey all the necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton; and,

(xvi) That the Owner convey Block 184 to the City of Hamilton for Park/Open Space; and,

(xvii) That the Owner retain the services of qualified professionals to complete a comprehensive design study and implement the details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Commissioner of the Regional Environment Department. Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be amended; and,

(xviii) That the Owner provide fencing to all residential lots adjacent to the proposed stormwater management facility; and,

(xix) That the Owner submit a phasing strategy report and phasing plan to the satisfaction of the Commissioner of the Regional Environment Department. The phasing strategy report will detail the servicing of each phase, including the timing of the construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations; and,

(xx) That the Owner submit a sediment and erosion control plan to the satisfaction of the Commissioner of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 30 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial actions taken, to the satisfaction of the Commissioner of the Regional Environment Department; and,

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

(xxi) That the Owner dedicate by certificate Block 185 to the City of Hamilton for a road widening adjacent to Block 184, as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south; and,

(xxii) That the Owner dedicate by certificate Block 181 to the City of Hamilton for a road widening; and,

(xxiii) That the Owner dedicate sufficient lands to the City, in accordance with recommendations of the approved functional engineering study for Sanatorium Road, from Street "E" to Scenic Drive, adjacent to Block 181, and that these lands (for road widening) be included on the Final Plan of Subdivision as a separate Block to be dedicated as public highway to the City by Certificate; and,

(xxiv) That the Owner pay any applicable servicing costs to the City associated with the 0.30m reserve known as Part 20 on Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 184 and the east limit of Street "B"; and,

(xxv) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands; and,

(xxvi) That the Owner convey Block 182 to the City of Hamilton; and,

(xxviii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the Owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94004(R)), Starward Homes, prospective Owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Rezoning Application:

(d) That approval be given to amended Zoning Application 94-19, Chedoke Health Corporation and Starward Homes, Owner and prospective Owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family Dwelling) District and "A" (Conservation, Open Space, Park and Recreational) District, for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, shown as Blocks "1", "2", "3" and "4" on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4"" (Small Lot Single Family Dwelling) District; and,

(iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District; and,

(iv) That the Director of Planning and Development be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council; and,

(vi) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area, as amended by revised OPA-135, upon approval of the Official Plan Amendment by the Region of Hamilton-Wentworth; and,

(vii) That the implementing Zoning By-law not be presented to Council for adoption until the By-law to adopt OPA-135 has been passed by Council; and,

(e) That the approved Mountivew Neighbourhood Plan be amended to revise the street pattern as per the revised plan of subdivision "Tiffany".

EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for changes in zoning for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
Block "2"	-	from "AA" (Agricultural) District to "R-4"" (Small Lot Single Family Dwelling) District; and,
Blocks "3" & "4"	-	from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District.

The effect of the by-law is to permit the development of Block "1" for 111 single detached dwellings, Block "2" for 68 small-lot single detached dwellings, Block "3" for parkland purposes and Block "4" for stormwater management purposes in accordance with the proposed revised draft plan of subdivision "Tiffany" (File SAC-94-02/25T-94019(R)).

2. **ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson
Acting Secretary

1996 September 24

/mjw

Ba

SEP 2 5 1996

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
145 Picton Street East (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Mr. and Mrs. Bosher, 145 Picton Street East. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Bosher, 145 Picton Street East in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

BB)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 4 1996

DATE: 1996 September 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
417 Barton Street East (96.2.4.2.1.A, 96.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Alcino and Maria Duarte carrying on business as Duarte Supermarket for improvements to 417 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Alcino and Maria Duarte carrying on business as Duarte Supermarket for improvements to 417 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 417 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 417 Barton Street East:

a. $25,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $12,500 Security: promissory note and lien. Monthly payments $239.77.

b. $5,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $2,500 Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title, in second place to a mortgage of $136,080, in favour of Mario and Antonio Paolone.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Bc1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 19 SEP 2 4 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
447 Barton Street East (96.2.4.2.1.A, 96.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Michelle Van Meggelen for improvements to 447 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Michelle Van Meggelen for improvements to 447 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 447 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 447 Barton Street East:

a. $25,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $12,500 Security: promissory note and lien. Monthly payments $239.77.

b. $5,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $2,500 Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title, in second place to a mortgage of $67,468, in favour of CIBC Mortgage Corporation.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Bd

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 4 199

DATE: 1996 September 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
448 Barton Street East (96.2.4.2.1.A, 96.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Benny and Debra Bombardieri carrying on business as BMB Industries for improvements to 448 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Benny and Debra Bombardieri carrying on business as BMB Industries for exterior storefront improvements to 448 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 448 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 448 Barton Street East:

a. $25,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $12,500 Security: promissory note and lien. Monthly payments $239.77.

b. $5,000 loan amortized over ten years at 2.875 per cent interest. Grant portion $2,500 Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title, in second place to a mortgage of $204,000, in favour of Canada Trust.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Be)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 24 1996

DATE: 1996 September 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King, P.Eng.
Building Commissioner

SUBJECT: Building Permit Fee Reduction for Barrier-Free Access in Single and Two Family Dwellings (96.2.4.2.1.A & By-Law 93-167)

RECOMMENDATION:

That the City Solicitor be authorized and directed to prepare an amendment to By-Law 93-167 to authorize permits and fees by adding item 1(a) to Schedule "A", as follows:

1(a) permit for the construction of barrier-free access in single and two family dwellings $75.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The reduction in revenue is minor and will not adversely affect Department revenues.

BACKGROUND:

At present, the basic permit fee is $150 for up to $10,000 cost of construction, plus $9 per each $1000. of the cost of construction. Small permits with a value of less than $1000 have a fee of $75.

The reduction in permit fee is not only helpful to the physical challenged for financing a barrier-free access, it also demonstrates the City's commitment and dedication to promote and create easy access for the physically challenged.

WL/WKW/zr

BF)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 4 1996

DATE: 1996 September 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
140 RYMAL ROAD WEST - Tag Number 97307
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 140 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-9D)

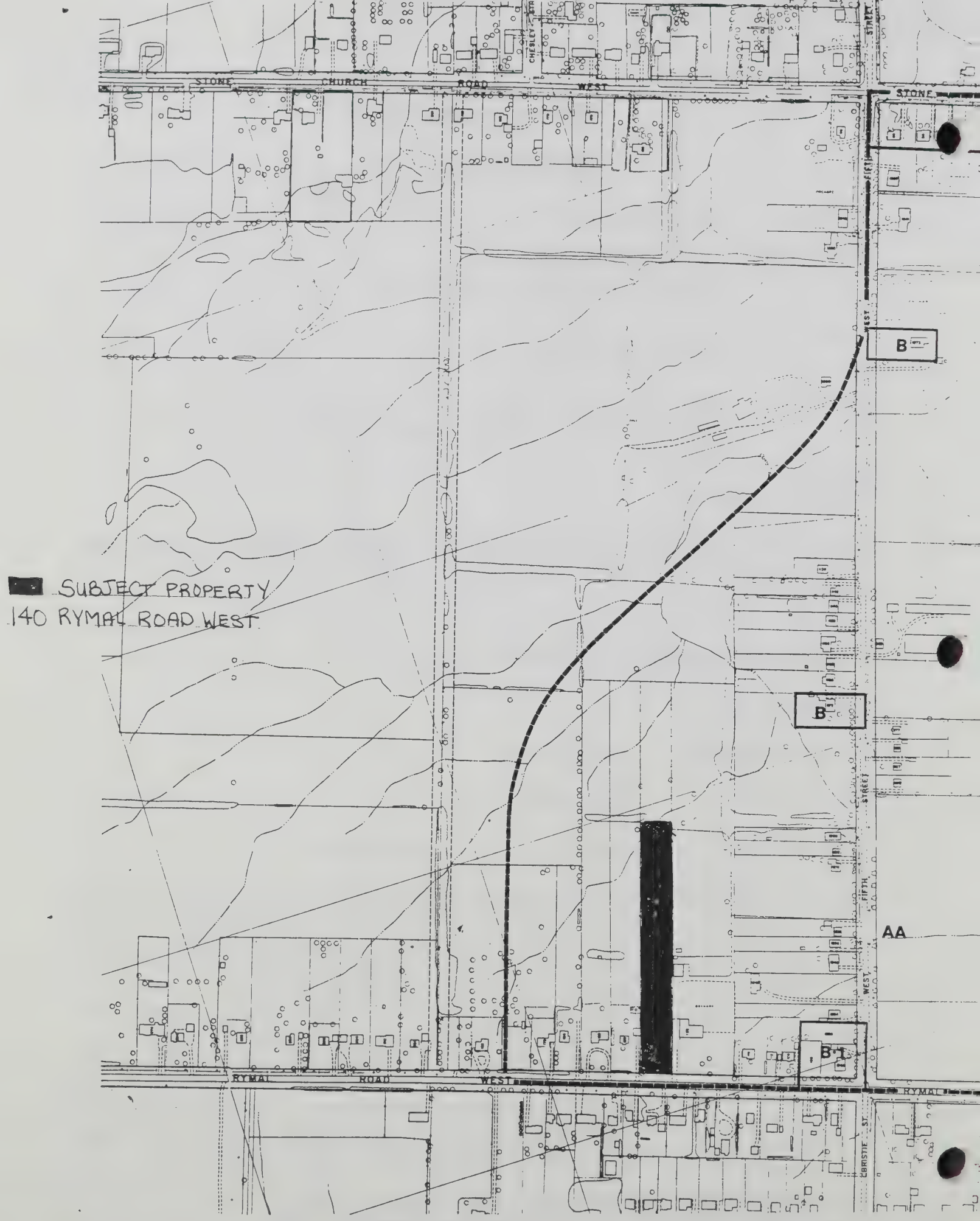
PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling (Subdivision)

BRIEF DESCRIPTION: The property at 140 Rymal Road West is in Ward 8 and is located in the MEWBURN Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing 1-1/2 storey wood frame single family dwelling and build a new single family dwelling. A separate lot was created through Land Severance H-43-93, which as of today's date has not been finalized (see attached decision). A Modified Subdivision Agreement, West View Estates, has been registered on title for municipal numbers 140, 150 and 158 Rymal Road West. (Please note the dwelling at 158 Rymal Road West was previously demolished). There have been no recent applications made to the Committee of Adjustment or for a change in zoning. No LACAC interest. Lot size 8.840 acres.

The owner of the property and applicant as per the demolition permit is:
Demetre Dekanes, 150 Rymal Road West, Hamilton, Ontario, L9B 1B8

ND/zr


STONE CHURCH ROAD WEST
STONE
CHESLEY
FIFTH STREET
WEST
B
B
B
AA
RYMAL ROAD WEST
RYMAL
CHRISTIE ST.
SUBJECT PROPERTY
140 RYMAL ROAD WEST

Bg)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 4 1996

DATE: 1996 September 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
150 RYMAL ROAD WEST - Tag Number 97305
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 150 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-9D)

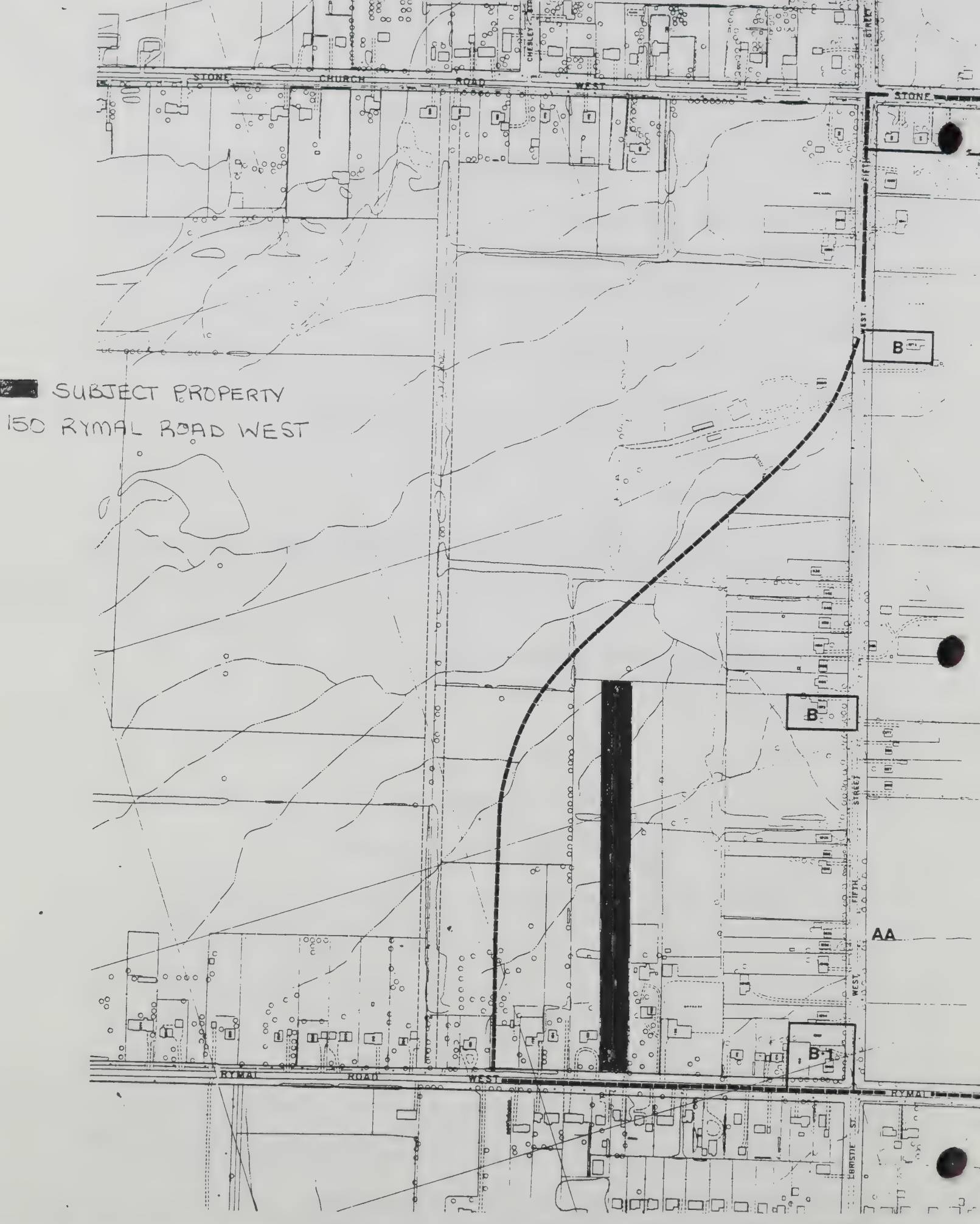
PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling (Subdivision)

BRIEF DESCRIPTION: The property at 150 Rymal Road West is in Ward 8 and is located in the MEWBURN Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing 1-1/2 storey wood frame single family dwelling and build a new single family dwelling. A separate lot was created through Land Severance H-45-93, which as of today's date has not been finalized (see attached Land Division decision). A Modified Subdivision Agreement has been registered on title for municipal numbers 140, 150 and 158 Rymal Road West. (Please note the dwelling at 158 Rymal Road West was previously demolished). There have been no recent applications made to the Committee of Adjustment or for a change in zoning. No LACAC interest. Lot size 8.840 acres.

The owner of the property and applicant as per the demolition permit is:
Demetre Dekanes, 150 Rymal Road West, Hamilton, Ontario, L9B 1B8

ND/zr


SUBJECT PROPERTY
150 RYMAL ROAD WEST
STONE CHURCH ROAD WEST
STONE
RYMAL ROAD WEST
RYMAL
B
B
B-1
AA
FIFTH STREET WEST

(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 12
(ENV-NEC)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Niagara Escarpment Plan Amendment (PC/113/96) - Heritage Policies for Second Dwellings

RECOMMENDATIONS:

That the City Clerk notify the Region of Hamilton-Wentworth and the Niagara Escarpment Commission the City of Hamilton does not object to proposed Amendment PC/113/96 to the Niagara Escarpment Plan and the modifications to the Amendment outlined in this report, be considered by the Niagara Escarpment Commission.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- **History of the Heritage Policies in the Niagara Escarpment Plan**

  In 1989, the Niagara Escarpment Commission initiated an amendment to include new policies within the Niagara Escarpment Plan (NEP) respecting heritage policies. At that

time, the City of Hamilton commented on the amendment and suggested certain modifications. However, the Amendment was refused by the Environmental Assessment Board. As a result, the Commission withdrew the amendment.

The NEC has now completed a review of the former proposed policies and are introducing a new Amendment. The City of Hamilton has been requested for their comments and the Region will be consolidating the area municipal comments and forwarding them on to the NEC.

- **Summary of the Amendment**

The Amendment would allow a second single dwelling to be built on an existing lot, provided the first dwelling is designated and has an easement agreement under the Ontario Heritage Act or is of provincial or national significance. Severances for the heritage building would not be permitted

This policy would apply to only those lands designated "Escarpment Protection" area and "Rural". Second dwellings would not be allowed in the Escarpment Natural Area since the "protection of the environment outweighs heritage considerations". For lands that are designated "Urban", the policies are flexible enough to accommodate those heritage considerations without the need to amend the NEP.

IMPACT ON THE CITY OF HAMILTON

This Amendment has no effect on the City since the lands that are designated Escarpment Protection area consist of the Chedoke, Kings Forest and Glendale Golf Courses, small pieces of land along the Red Hill Creek Valley and the Conservation Area. There are no houses either designated under the Ontario Heritage Act or listed in the Inventory of Buildings of Historical or Architectural Significance on the above noted lands.

There are no lands designated "Rural" in the City.

It should be noted the Amendment does not comply with the Official Plan. However, it is not necessary to amend the Official Plan at the present time. Such an Amendment can be included as part of the Official Plan Review.

ADDITIONAL COMMENTS:

Notwithstanding the proposed Amendment has no effect on the City, there are some concerns related to the Amendment in general.

1) The policy to erect a second single-family dwelling would only be permitted for single-family dwellings. The policy should be broadened to include other existing heritage buildings. For example, there may be mills, barns or other such uses that be worthy of preserving.

2) The proposed Amendment would preclude the severance of a new lot off the exsitng lot. This restriction would provide no economic incentive for the preservation of the existing buildings as the owner could not separately sell either the heritage dwelling or the new house. Therefore, this restriction could result in the loss of an existing heritage building. In the 1989 proposed Amendment, a severance was permitted under ceratin conditions.

Furthermore, in certain cases the lot size and/or configuration would not allow a second dwelling to be put up. Therefore, this proposed Amendment would not be applicable in those situations. The Niagara Escarpment Commission should be encouraged to support the preservation of heritage buildings, within the parameters of it legislation, rather than allowing the construction of a new building.

CONCLUSION:

Based on the above, the City does not object to proposed Amendment PC/113/96 to the Niagara Escarpment Plan. However, it is felt that the following modifications to the amendment would be appropriate and would provide for more comprehensive and effective heritage policies:

1) to allow for the preservation of other types of heritage buildings not only single-family dwellings; and,

2) to allow for the severance of lots with heritage buildings.

JHE/AG

(6)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 6 1996

DATE: 1996 September 24
(PLC-96-02)
Lisgar Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Wisemount Estates - Phase 7" Subdivision

RECOMMENDATION:

1. That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements for Lots 1, 4, 5, 6, 7, 8, 9, 10 and 11, and an easement for future development on Lot 12 located in "Wisemount Estates - Phase 7", as shown on APPENDIX "A";

2. That the attached by-law to remove part lot control from Lots 1 to 9 inclusive and Lot 12, Registered Plan 62M-794, "Wisemount Estates - Phase 7" plan of subdivision, be enacted by Council; and,

3. That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

V.J. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, John Parente, Solicitor for 822827 Ontario Inc., owner, is proposing to establish maintenance easements in accordance with the approved plan of subdivision "Wisemount Estates - Phase 7". The maintenance agreements will be on Lots 2 to 11 inclusive.

Location

The lands are located west of Upper Kenilworth and south of Limeridge Road and front onto Locheed Drive in the Lisgar Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.2), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 90 day effective time period.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

3. The applicant also proposes to establish maintenance easements on the lands adjacent to Lots 2, 3 and 12. The applicant owns the adjacent lands. However, as the adjacent lands are not part of a registered plan of subdivision, the part-lot control provisions of the Planning Act cannot be used. The applicant has requested that the Part Lot Control application be amended to exclude Parts 2, 3, and 12 from the exempting by-law. The applicant has advised that they will establish the necessary easements by making an application to the Committee of Adjustment in accordance with Section 53 of the Planning Act.

4. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

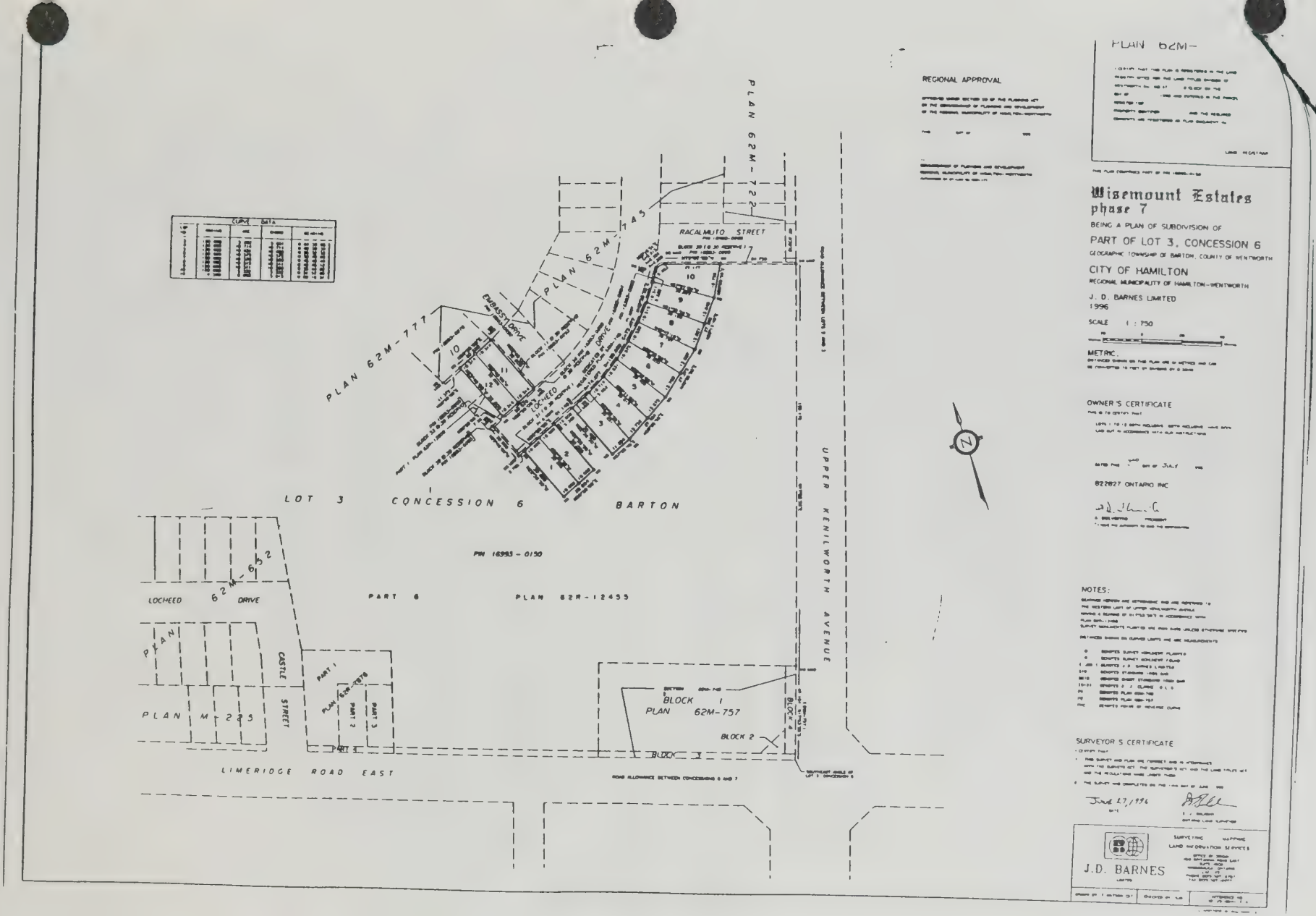
CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC96.02

Lot No. (62M-794)	Location of Easement (62M-794)	Description of Easement (62R-13901)
1	on Lot 2	Part 1
2	outside of plan cannot be established through P.L.C.	Part 2
3	outside of plan cannot be established through P.L.C.	Part 3
4	on Lot 3	Part 4
5	on Lot 4	Part 5
6	on Lot 5	Part 6
7	on Lot 6	Part 7
8	on Lot 7	Part 8
9	on Lot 8	Part 9
10	on Lot 9	Part 10
11	on Lot 12	Part 13
12	outside of plan cannot be established through P.L.C.	Part 12

NOTE: The part lot control by-law only applies to those lots where an maintenance easement is to be established.


PLAN 62M-
REGIONAL APPROVAL
Wisemount Estates
phase 7
BEING A PLAN OF SUBDIVISION OF
PART OF LOT 3, CONCESSION 6
GEOGRAPHIC TOWNSHIP OF BARTON, COUNTY OF WENTWORTH
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
J. D. BARNES LIMITED
1996
SCALE 1 : 750
METRIC
OWNER'S CERTIFICATE
822827 ONTARIO INC
NOTES:
SURVEYOR'S CERTIFICATE
June 17, 1996
J.D. BARNES
PLAN 62M-722
PLAN 62M-745
PLAN 62M-777
RACALMUTO STREET
EMBASSY DRIVE
LOCKHEED DRIVE
LOT 3 CONCESSION 6 BARTON
PIN 16993 - 0130
PART 6 PLAN 62R-12455
LOCHEED DRIVE
PLAN 62M-632
PLAN M-205
CASTLE STREET
PART 1 PLAN 62R-12455
PART 2
PART 3
PART 4
LIMERIDGE ROAD EAST
UPPER KENILWORTH AVENUE
BLOCK 1 PLAN 62M-757
BLOCK 2
BLOCK 3
ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7
N

APPENDIX "A"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 96—

To Remove
Land within the "Wisemount Estates - Phase 7" Subdivision, Plan 62M-794
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

> (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

   Lots 1 to 9 inclusive and Lot 12 within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on January 1, 1997.

PASSED this day of A.D. 1996.

City Clerk Mayor

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 September 26

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner re: Roof Leaders Related revisions to Property Standards By-Law, dated 1996 September 12.

(b) Building Commissioner re: Building Department Quarterly Report as at 1996 June 30, dated 1996 September 13.

(c) City Solicitor re: Planning Applications Pursuant to Statutes, dated 1996 September 25.

(d) Director of Planning re: Mobile Signs - Status Report, dated 1996 September 26

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1996

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL
NOV 4 1996
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 November 6
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 96-06, by Harnox Holdings Limited, owner, for a modification to the established "HH" District for lands located 1051 Upper James Street

2. **DELEGATION**

   Wesley Urban Ministries: Linda Langston, Executive Director
   Dr. Richard Allen, Chairperson
   John Ariens, Planning Initiatives

   Regarding request for Zoning - Drop In Centres

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   a) City Initiative 96-J, Parking Review of Parking Standards for Single Family Dwellings

   b) i) City Initiative 91-I, Mobile Signs - Working Committee
      ii) Correspondence from Don Mcphail re: the Mobile Sign Committee

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 November 6

4. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization - Streetscaping and Hydro Wires
(report to follow)

5. PRIVATE AND CONFIDENTIAL AGENDA

6. CONSENT AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
3.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
4.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
5.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
6.	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
7.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
8.	City Initiative- Parking Requirements for Residential Uses in the Downtown	1996 October 2	Staff to get input from Business in CBD and Various Associations	Tabled to meeting of 1996 November 6
9.	Correspondence from J. Ross re: Homes occupied by Students in West Hamilton	1996 October 23	Planning, Building, and Law department staff to review and prepare a Report	Report Forthcoming
10.	Illegal Mobile Signs	1996 October 23	Planning, Building, Law, and Transportation/Environment Depts.to draft report on a) plan for removal of illegal mobile signs and, b) allow for strict penalties in Streets By-Law	Report Forthcoming
11.	Rendering plants	1996 October 23	Public meeting to be held and performance standards to be established	Report Forthcoming
12.	Downtown Charette	1996 October 23	Planning Department to review and prepare a report	Report Forthcoming
13.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 30
ZAC-96-06
Greeningdon Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in Zoning
1051 Upper James Street

RECOMMENDATION:

That Zoning Application 96-06, Harnox Holdings Ltd., owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 1051 Upper James Street, to permit a residential care facility for 115 residents, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

(i) It conflicts with the intent of the Official Plan in that the proposal does not provide adequate amenity area for the residents and adequate on-site parking in that 39 spaces are required to be provided whereas 19 on-site spaces can be provided;

(ii) The proposal represents an over intensification of the site in that residential care facilities with a maximum capacity of 20 residents are permitted as-of-right in other commercial districts such as the "H" District and "I" District. The proposed capacity is 5.75 times higher than the maximum number of residents permitted in other commercial districts. Such a facility would be considered to be an

institutional use and therefore is contrary to the intent and philosophy off the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The proposal is for a modification to the established "HH" District to permit the development of the subject lands for a 101 unit seniors living centre (SLC). As noted in the application, the SLC will provide accommodation but with no physical care. The proposal is to modify the existing building by constructing an addition onto the building to provide 100 individual rooms plus a common cafeteria, common areas, library and lounge. Based on a review of the parking layout provided by the applicant, a total of 19 on-site parking spaces could be accomodated.

Zoning Application 91-51

City Council, at its meeting of January 28, 1992, denied Zoning Application 91-51. The application was for a modification in zoning to permit a 48 bed adult Community Correctional Centre (jail). The application was denied because the function of a Community Correctional Centre resembles a 'Residential Care Facility', in that residents live on the premises for social and emotional counselling programmes. Residential Care Facilities are permitted 'as-of-right' in other Commercial Districts (eg "H" District, "I" District) with a maximum capacity of 20 residents. The proposed capacity of 48 residents, which is 2.4 times higher than the permitted number of residents, would create an 'Institutional' use which is contrary to the intent and philosophy of Zoning By-law No. 6593 which was designed to promote smaller facilities which approximates a family living environment.

Applicant:

Harnox Holdings Limited, owner.

Lot Size and Area:

The subject lands have:

- a frontage of 40.75 m (133.7 ft) along Upper James Street;
- a depth of 60.96 m (200.0 ft); and,
- an area of 2,484 m^2 (26,740 sq.ft.).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Detention Centre for Young Offenders Operated by the Family Services Hamilton Wentworth	"HH" (Restricted Community Shopping and Commercial, etc.) District
Surrounding Land Use		
to the north	Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
to the south	Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District

City of Hamilton Official Plan:

The subject lands are designated "Commercial". The proposal conflicts with the intent of the Official Plan in that it represents an over intensification of the subject lands. Specifically, the proposal does not provide adequate on site parking nor does the proposal provide suitable amenity areas for the residents.

Neighbourhood Plan:

The subject lands are located in the Greeningdon Neighbourhood. There is no approved Neighbourhood Plan.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department, Development Division advised:

"We have reviewed the above application and provide the following comments:

1. The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, road widenings are required to establish the property line 18.29 m from the centreline of the original Upper James Street Road allowance. It is unclear from the application as to how much additional floor area will be added to this development. However, it would appear that this property will be redeveloped to a point where the road widening on Upper James Street will be required as a condition of development approval in accordance with Regional Council Policy. Therefore, the applicant should be advised that as a condition of site plan approval, we will recommend that a 3.048 m road allowance widening be dedicated to the Region along the entire frontage on Upper James Street. The development plans should be revised accordingly and all required parking for this property be relocated to private property outside of the Upper James Street road allowance, as widened. This road widening will affect the parking variance requested by the applicant.

2. In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

3. At such time as detailed development plans are submitted to this Office, we will determine whether landscaping, encroachment and/or paving agreements will be required with the Region of Hamilton-Wentworth for any existing works which may be retained within the widened Upper James Street road allowance."

- The Department of Public Works, Traffic Division, advised that:

"In response to your memorandum of 1996 October 25, please be advised that we have reviewed the revised plans submitted by the applicant 1996 October 25 and have the following comments.

We recommend that the north driveway be modified to provide a minimum 7.5 m (25 foot) width at the property line. This will improve the manoeuvring for vehicles entering and exiting the site.

We recommend that the parking area at the rear of the building be modified, as shown on the attached plan, in order to provide improved access to the parking at the south end of the parking area and to provide manoeuvring area for single unit trucks to turn around in the parking area.

It is our understanding that in the event the change in zoning is approved it will be recommended that landscaping be provided at the front of the building on private property in addition to that shown on the plan within the limits of the future road widening. As a result, sufficient space will not be available to provide any parking in front of the building.

As a result of the modifications to the plan and the requirement for additional landscaping, the number of parking spaces provided on site has been reduced to 19. Information provided by the Building Department indicates that the proposed use is defined as a Residential Care Facility for 115 persons and as such will require 39 parking spaces. Therefore, a variance to reduce the required parking from 39 to approximately 19 spaces will be required.

Since the proposed development falls within the definition of a residential care facility, we concur with the applicant's position that the residents will not own vehicles. However, parking is required for residential care facilities to accommodate staff and visitors. In order to consider supporting a significant reduction in required parking, we recommend that the applicant provide information regarding the operation of the facility such as the number of staff, visitor parking, etc that will justify a reduction in the required parking. Until such a rational has been provided, we would not be in a position to support a variance to reduce the required parking. Conversely, the applicant may wish to reduce the number of building occupants to match the available parking.

- The Building Department has advised that:

"1. A senior living centre is not defined or permitted.

2. The proposal is considered a "Residential Care Facility", which is not permitted.

3. Based on the information provided, there are a total of 100 rooms consisting of 85 singles and 15 doubles which is a total of 115 residents.

4. The residential care facility for 115 residents requires a minimum of 39 parking spaces.

5. Parking layout is insufficient to determine compliance to the parking requirements of Section 18A of Zoning By-law 6593.

6. A deck area is indicated as proposed to the rear of the building. Additional information is required to determine location in respect to setbacks, which floor level and how it will affect the parking area.

7. The existing and proposed portion of the building must comply to the minimum setbacks from the lot lines."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan.

2. The application cannot be supported for the following reasons:

   - It represents an over intensification of the site in that the proposal as submitted, and revised by the Traffic Division and Planning and Development Department, providing 19 parking spaces. This is a significant variance to reduce the required parking from 39 spaces to 19 spaces;

   - The proposal represents an over intensification of the site in that residential care facilities with a maximum capacity of 20 residents are permitted as-of-right in other commercial districts such as the "H" District and "I" District. The proposed capacity is 5.75 times higher than the maximum number of residents permitted in other commercial districts. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy off the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.

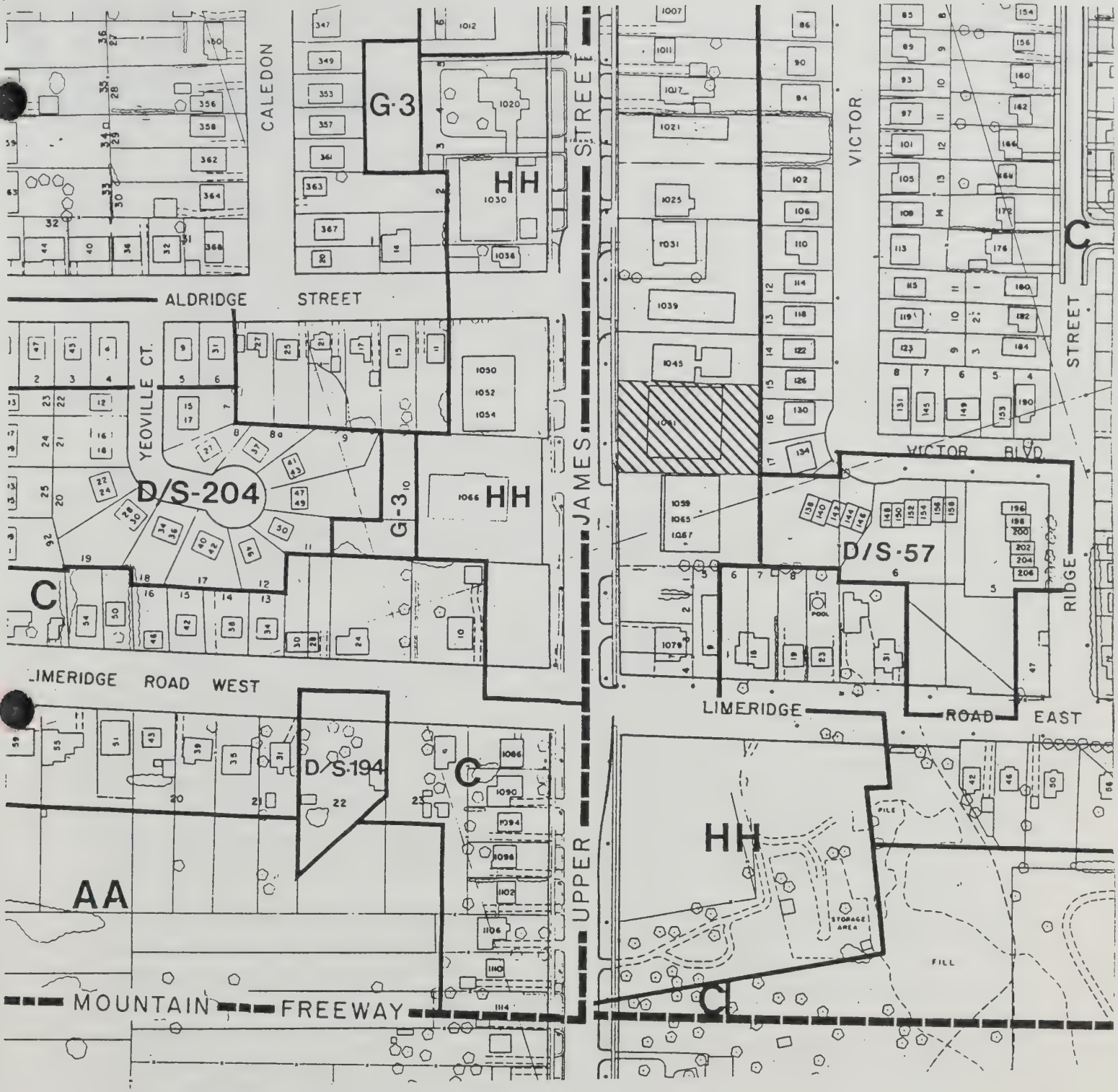
3. With the exception of single family dwellings, stand alone residential uses are not permitted in the "HH" District. As such, Planning and Development Department staff do not support the introduction of a residential care facility of this magnitude along Upper James Street which is designated primarily for commercial uses. On this basis, the proposal for a 115 person seniors centre should be denied.

4. As a condition of site plan approval, a 3.048 m road allowance widening be dedicated to the Region along the entire frontage on Upper James Street. The applicant has proposed to met the required parking by locating ten parking spaces on a portion of the required road widening. The Regional Environment Department has advised that the parking layout submitted by the applicant would have to be revised revision by the applicant to ensure that the required parking for this property be relocated to private property and outside of the Upper James Street road allowance, as widened. This road widening could affect the amount of on-site parking that could be provided and as such the applicant would require an additional parking variance if the application was approved.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

SR/sr
ZAC96-06.rpt



Legend

Site of the Application

ZAC-96-06

WESLEY

Wesley Urban Ministries Inc.

October 25, 1996

Alderman Don Drury, Chairman
Planning and Economic Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, ON L8N 3T4

Dear Chairman Drury,

RE: WESLEY URBAN MINISTRIES EXISTING DROP-IN CENTRE
195 FERGUSON AVENUE NORTH, CITY OF HAMILTON

Wesley Urban Ministries have been providing an important social service for the neighbourhoods of Hamilton for over 41 years. Over the past 6 years, we have developed a program, in partnership with the Region, to provide nighttime hours of operation as a component of the Drop-In program. We have recently located our Drop-In facilities and related programs to 195 Ferguson Avenue North. As a result of a few unfortunate isolated incidents, neighbourhood complaints have resulted in municipal staff reviewing the Zoning By-Law definitions and determining that in their opinion, a drop-in centre is considered a "short-term facility" and is therefore subject to zoning regulations such as radial separation requirement and a maximum occupancy.

As a result of this zoning interpretation, an order to comply has been issued and the Drop-In Centre use is being challenged. We have retained both independent legal advice and planning expertise and we are satisfied that the Drop-In Centre does not fall within this definition of a "short-term care facility". We are working closely with municipal staff by providing them with the details of the various programs we administer in relation to the zoning definitions. We are very confident that this matter will be resolved without any further legal action. Notwithstanding our confidence in resolving this matter, the question has to be asked, "What if the Drop-In centre is not permitted?"

WESLEY URBAN MINISTRIES INC.
195 FERGUSON AVE. N.,
HAMILTON, ON
L8L 8J1
(905) 528-5629
FAX: 528-9977

WESLEY CENTRE
195 FERGUSON AVE. N.,
HAMILTON, ON
L8L 8J1
(905) 528-5640

KIRKENDALL-STRATHCONA
NEIGHBOURHOOD HOUSE
210 NAPIER ST.
HAMILTON, ON
L8R 1S7
(905) 528-8485
FAX: (905) 528-8491

VICTORIA PARK
COMMUNITY CENTRE
155 QUEEN ST. N.
HAMILTON, ON
L8R 2V6
(905) 521-0926

WESLEY COMMUNITY HOMES INC.
195 FERGUSON AVE. N.,
HAMILTON, ON
L8L 8J1
(905) 528-4136
FAX: 528-9977

In all of our discussions and meetings with staff, it has become very apparent that the current definitions and zoning regulations do not clearly address or define the important social services needed in today's society. For example:

- The Drop-In Centre cannot be limited in numbers as this will result in extremely needy people being turned away together with a potential enforcement problem when the Centre reaches its arbitrary capacity.

- There is no other facility available in any of the downtown neighbourhoods which provides this type of drop-in service.

- The current staff zoning interpretation effectively precludes such a use within all of the zoning categories of your Comprehensive By-Law. In other words, no zoning district would be available within which this use could operate.

- The inability to operate a drop-in centre at this location and the relocation of this use (assuming another location is appropriately zoned), would result in Wesley Urban Ministries having to relocate all of their drop-in programs to this assumed new location. We currently lease space from Wesley Community Homes Inc. which runs an apartment complex for persons who normally have difficulty in finding suitable apartments to rent and the loss of Wesley Urban Ministries as a major tenant in this building would severely undermine the financial stability of Wesley Community Homes Inc. and the important housing provided by this sister agency.

We are committed to resolving the problems and are working closely with the neighbours and city staff so that we can all be neighbours and live in harmony. The potential of having to close this facility will create significantly more problems and without appropriate zoning, such a use cannot re-establish. We applaud the serious efforts that City Council has initiated in order to rejuvenate and redevelop our downtown core. As indicated earlier, we have been part of downtown Hamilton for over 41 years and we provide a very important service which shares the same goals for the downtown. On this basis, we feel that there is a broad municipal need to evaluate all of the zoning categories and all of the zoning definitions in order to appear as a delegation for the November 6, 1996 meeting of the Planning Committee to suggest that municipal planning study be initiated to deal with this very important zoning issue. Such a study would review the zoning definitions and regulations and determine which zoning categories are appropriate for these uses together with determining performance standards and appropriate municipal control.

Such an important planning issue can only be addressed in a comprehensive manner which must also include significant public involvement.

Thank you for your anticipated cooperation and I look forward to discussing these important issues with your committee.

Yours truly

Dr. Richard Allen
Chairperson, Wesley Urban Ministries Inc.

RA/kj

cc: *Rev. Art Verall*
Chairperson, Wesley Community Homes Inc.

Mayor Bob Morrow

Terry Cooke
Regional Chairman, Hamilton-Wentworth

Len King
Commissioner, Building Department

Mike Shuster
Commissioner, Regional Community Services

Ted McMeekin
Chair, Regional Community Services

Dave Martin
Regional Manager
Ministry of Municipal Affairs and Housing

John Ariens
Director of Development, Planning Initiatives

All Councillors
City of Hamilton

planning initiatives ltd.
engineers, planners and landscape architects

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Fax (905) 546-1011

"WITHOUT PREJUDICE"

October 30, 1996
File No: HP-424

Building Department
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. Len King

Dear Mr. King:

RE: 195 FERGUSON AVENUE NORTH
WESLEY URBAN MINISTRIES INC. - ORDER TO COMPLY

At our meeting of October 16, 1996, we indicated that we would be reviewing the zoning definitions in an effort to demonstrate that the drop-in centre operated by Wesley Urban Ministries at 195 Ferguson Avenue North complies with the Zoning By-Law. In this regard, we have reviewed the pertinent zoning definitions and advise as follows.

The Order to Comply indicates that the existing drop-in centre is considered a short-term care facility and as such, can only accommodate a maximum of 20 residents and must be situated 180 metres from the lot line of any other residential care facility. In reviewing the definition of a short-term care facility we note, that it is either a fully detached residential building occupied wholly by a maximum number of residents or a part residential building occupied wholly as to the residential portion by a maximum number of residents.

The building at 195 Ferguson Avenue North is a fully detached residential/mixed use building. The drop-in centre program only uses a small portion of the ground floor. As such, it cannot be considered as a fully detached residential building occupied wholly by a maximum number of residents. It also can not be considered as a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents since it is not the exclusive residential use of this property. This portion of the definition would appear to permit a short-term care facility within a mixed use building where the short-term care facility is the only residential component.

The Zoning By-Law does not contain a definition of a resident and therefore, I rely on the dictionary definition which states, "a person who resides for a considerable length of time in a certain place" and the dictionary definition of reside is, "to have one's home in a particular place for a considerable length of time".

The people who use the drop-in centre are not residents and they do not reside or make their home within this facility. Even though the zoning definition has a two week limitation, again it must be stressed that the users of this facility are neither residents nor do they reside here.

As mentioned above, this facility, in simple terms, is a "drop-in" centre. It is open to all members of the community and surrounding neighbourhoods. Those who use this facility come here for counselling, religious service, a place to meet, a place to play games (chess, checkers, cards) etc. Wesley Urban Ministries in turn, provides a whole host of services as identified on the attached listing. Not all of these services are used by the patrons of the drop-in centre. Some of the patrons will come and stay for a few hours and some will stay longer. Whether they use the shower facilities, have a light meal or curl up on the floor to sleep does not make them residents and does not make this a short-term care facility.

As you are aware, the "E" zoning category permits office or consultive uses or personal clinical services by a charitable institution. Furthermore, the "E" Zone also allows those uses permitted in the "D" Zone which also allows those uses permitted in a "C" Zone. The "C" Zone permits both a community centre and a community building. We suggest that the drop-in centre currently operated from this premises can either be decribed as a community building or as personal clinical services by a charitable institution. This use clearly is not a short-term care facility as currently defined.

I trust you will consider the above interpretation. Both Wesley Urban Ministries and Wesley Community Homes look forward to your reply.

Yours truly,
PLANNING INITIATIVES LTD.

John S. Ariens, MCIP, RPP
Director of Development

JSA/lah

Copies To:

Rev. Art Verall, Chairperson, Wesley Community Homes Inc.
Dr. Richard Allen, Chairperson, Wesley Urban Ministries Inc.
Mayor Bob Morrow, City of Hamilton
Terry Cooke, Regional Chairman, Regional Municipality of Hamilton-Wentworth
Victor Abrahams, Planning Department, Regional Municipality of Hamilton-Wentworth
Mike Shuster, Commissioner, Regional Community Services
Ted McMeekin, Chair, Regional Community Services
Dave Martin, Regional Manager, Ministry of Municipal Affairs and Housing
Linda Langston, Executive Director, Wesley Urban Ministries
Don Roberts, Operations Manager, Wesley Community Homes Inc.
All Councillors, City of Hamilton

3a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 25
CI-96-J

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Review of Parking Standards for Single-Family Dwellings

RECOMMENDATION:

That the Planning and Development Committee direct staff to undertake a review of the parking standards for single-family dwellings.

V. Abraham J. S. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Department staff, in conjunction with Building Department staff and Traffic Division staff have identified three areas for consideration and review regarding the parking provisions in the Zoning By-law. Specifically, the areas of concern are:

(i) the parking ratio of 1 space per single family dwelling may not be appropriate for large single family dwellings;

(ii) below grade parking/driveway grades which create safety concerns; and,

(iii) the existing parking/manouvering space requirements of the Zoning By-law should be clarified with respect to manouvering space.

Parking Ratio

The Building Department has indicated that the existing parking requirement (1 space per dwelling unit) may not be appropriate for large single-family dwellings of more than four bedrooms, in particular, due to multiple car ownership. This causes an increased demand for on-street parking. In order to minimize the effects on the neighbourhood, the existing parking ratio should be reviewed.

The purpose of the existing parking provisions in the Zoning By-law are two-fold. First, by regulating the minimum number of parking spaces, it is the intent to ensure that adequate on-site parking is provided. Secondly, by regulating the maximum parking area, the provisions of the By-law are designed to limit the impact of vehicles on the lot and visual amenity of the street.

Based on discussions with staff from the Building Department and Traffic Division, several preliminary options have been identified. The options are:

- no change;
- establish a parking space per person ratio;
- establish a parking space per bedroom ratio;
- establish a maximum number of vehicles per lot ceiling; or,
- devise a parking space per floor area ratio.

In exploring the various options, it is important that the option can be enforced and is related to the actual use of the land. The City of Cambridge has advised that they have established a parking ratio based on the number of bedrooms in a single detached dwelling (1 space for the first 4 bedrooms, 1 space for each additional 2 bedrooms).

The Zoning By-law currently utilizes a variety of mechanisms to derive at the minimum required parking. For commercial uses, parking is based on gross floor area whereas the required parking for lodging houses/residential care facilities is based on the occupancy of the building.

Driveway Grades

The Traffic Division has requested Planning and Development Department staff to review the Zoning By-law to regulate the grade of driveways. Due to the steep grade of the driveways, visibility may be impaired in attempting to back out of the driveway. It is noted that through the subdivision process, the grades of one, two and three family dwellings is limited to 7 percent.

In addition, the agreements require that the finished level of the garage be 0.3 metres above the elevation of the back of the sidewalk. However, existing lots of record are exempt from these controls.

The Traffic Division has advised that when dwellings are constructed with below grade parking there is often pressure to convert the garage into living space and fill in the driveway. This occurs where the garage is 2.0 m below grade with a 6.0 m driveway resulting in a 2:6 slope. When the grades of the driveways are excessive, a safety hazard can exist as a result of impaired visibility for vehicles backing out of driveways.

In order to resolve this issue, the existing prohibition on below grade driveways could be extended to lots of record. Alternatively, a maximum driveway grade could be established whereby below grade parking would still be permitted, provided that the driveway grade was within an acceptable range (i.e. not to exceed a 7% grade)

Manouvering Space

The third area for review is the requirement that for all new single-family dwellings, one parking space and associated manouvering must be provided. In laymen's terms, the effect of the by-law is to require 2 on-site parking spaces. However, where the conversion of the garage into additional living area or into an accessory apartment occurs, the required manouvering space is eliminated and the required parking may be provided in the front yard. The Ontario Municipal Board has recently approved a number of minor variance appeals to eliminate the manouvering space and provide the required parking in the front yard. The OMB, in their decisions, have indicated the applicants are still providing the required parking space. However, the effect of these conversions is a 50% reduction in the number of on-site parking spaces. This can result in on-street parking congestion.

A review of the parking/manouvering space requirements would clarify the intent of the By-law. If the manouvering space is in effect a parking space then it would be appropriate to clarify the By-law to require two parking spaces and eliminate the manouvering space.

CONCLUSION:

On the basis of the forgoing, a review of the parking standards for single-family dwellings should be undertaken.

SR/sr
CI-96-J

3b i)

CITY OF HAMILTON

- INFORMATION -

DATE: 1996 October 29
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Mobile Sign Working Committee - Status Report

BACKGROUND:

City Council, on 1996 July 9, adopted the following recommendation of the Planning and Development Committee regarding mobile signs:

"2. That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:

(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;

(ii) That the Appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law;

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "B" attached); and,

(c) That the by-law to regulate mobile signs on private property, in accordance with the provisions of the Municipal Act, (see attached APPENDIX "B") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified."

At the 1996 October 23 meeting, the Committee considered status reports from the Planning and Development Department and a joint report from the Building Department and the Public Works and Traffic Department detailing the status of these initiatives. Based on the information in these reports, it is anticipated that the by-law could be brought back to this Committee for their consideration at the 1996 December 4 meeting and be passed by Council at their meeting of 1996 December 10.

Further, the Planning and Development Committee, at their meeting of 1996 July 3, also directed:

> "that a working committee be struck composed of Staff Members and Members of the Mobile Sign industry and that the Committee report back in one year."

REPORT:

Accordingly, a working committee has been struck and two meetings have been held to date (1996 October 11 and 24). At the first meeting, the working committee identified a number of issues in the by-law that warranted further discussion:

- third party advertising;
- time limits;
- safety;
- permit system and fees;
- variance fees;
- separation distances;
- licensing;

- standard letter colour; and,

- signs on public versus private property.

At the second meeting, a spokesperson for the mobile sign operators (except for one), advised that the Court hearing for the appeal against Burlington's by-law had recently been scheduled to be heard 1997 May 16. The appeal against the Stoney Creek by-law will also be heard at the same hearing.

In view of this situation, the working committee advises they do not wish to continue their discussions on the draft by-law until the City advises of their position in light of the hearing date established to hear the Burlington/Stoney Creek by-laws. The committee noted that further work by them on this matter may be wasted should the Court uphold the appeals and strike down the by-laws. It was indicated that they will continue with their deliberations when the City has advised them accordingly.

DISCUSSION:

The City is aware of the appeals filed on this matter and the Law Department has been monitoring their progress accordingly. The Burlington/Stoney Creek appeals have been awaiting a hearing date for approximately two years. Other than the hearing date has been set, nothing has changed from the City's perspective.

The City has had draft mobile sign by-law under consideration for some time. Public meetings have been held. A draft of the proposed by-law was considered at the 1996 July 3 meeting of the Committee and, at their 1996 July 9 meeting, Council gave specific direction, as noted in the Background.

Should the process be deferred at this point, then further direction will be required with respect to proactive enforcement of the Region's and City's roads by-laws. Further:

- the inventory, which is nearing completion, will have to be redone because it will be outdated in 1997 May; and,

- the working committee will have to reconvene and continue their discussions and resolve the outstanding issues (noted previously).

Both these actions will further delay in the final passing of the by-law.

Since it is anticipated that the draft by-law could be considered by Council before the end of the year, there is the opportunity for the working committee to have input prior to its passage.

SUMMARY:

Given the considerable work done to date on this matter, the City should proceed with the finalization of the draft by-law as originally intended in its 1996 July 9 Council resolution, and have it passed by Council. Once it is passed, a permit system can be established and enforcement can proceed under the new regulations. The regulations proposed in the draft by-law are more responsive to the specific nature of mobile signs and easier to enforce. If the by-law is appealed, it may be "piggy-backed" onto the Burlington/Stoney Creek hearing and heard in May. On this basis, the work that has been done to date should not be held in abeyance so close to the end of the process. Should the appeals be dismissed in May, the City will have a by-law in place and avoid further delays.

c.c. Peter Lampman
Deputy Building Commissioner

P. Noé Johnson
City Solicitor

CF/CI-91-I
Mobile Signs Working Committee

3b'ii)

Ad-Vantage Signs

914948 Ontario Limited

5100 SOUTH SERVICE ROAD, UNIT 27, BURLINGTON, ONTARIO L7L 6A5
Tel: HAM. (905) 574-2555 BURL. (905) 634-6811 Fax: BURL. (905) 634-5422

October 30, 1996

Mr. Victor Abraham
Director of Local Planning
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

RE: MOBILE SIGN COMMITTEE

Dear Sir:

Whereas The Appeals Court of the Province of Ontario has set May 16, 1997 as the date to hear the Appeal of Ad-Vantage Signs and Mobile-Ad Canada, involving the municipalities of Stoney Creek, Burlington, Ancaster, Markham, Scarborough and Newmarket. Since the appeal addresses many concerns that appear in The City of Hamilton's draft by-law, we respectfully request The City of Hamilton to delay this committee's mandate until the appeal is dealt with

This letter will confirm that the following sign companies of the Mobile Sign Committee agree with the aforementioned action.

Mobile-Ad Canada
Ad-Vantage Signs
Davies Signs
1-888 Rent Sign
Eyemark Signs

Yours truly

Don McPhail

cc: Mobile-Ad Canada
Ad-vantage Signs
Davies Signs
1-888 Rent Sign
Eyemark Signs

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 November 6
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1996 October 23

B. BUILDING COMMISSIONER

Hamilton Emergency Loan Program - 327 Hixon Road

C. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Request to exempt proposed ground (pylon) signs at 282 Centennial Parkway North

b) "Gagliano Gardens Addition", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

c) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, A-96-174, 72 Nash Road South.

d) Planning and Development Department, 1997-2006 Provisional Capital Budget.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1996 October 23
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Mayor R. Morrow Alderman G. Copps Alderman W. McCulloch Alderman M. Caplan Alderman F. Eisenberger Alderman B. Charters
Regrets:	Alderman H. Merling, Family Business
Also Present:	Alderman T. Jackson Alderman M. Kiss Victor Abraham, Director of Local Planning Bill, Janssen, Planning Department Joanne Hickey-Evans, Planning Department David Godley,Planning Department Mary Lou Tanner, Planning Department Caroline Floroff, Planning Department Eugene Chajka, Regional Environment Department Doug Lobo, Director Public Works and Traffic Department Hazel Milsome, Public Works and Traffic Department Mike Watson, Property Department Patrice Noé Johnson, City Solicitor Peter Lampman, Building Department John Spolnik, Building Department Mark Mascarenhas, Property Department Geoff Aston, Director Programming and Development Tina Agnello, Secretary

PUBLIC MEETING

1. **Rental Housing Protection Act Application CD-96-001, 1088 - 1120 Garth Street and 101 - 117 Bonaventure Drive, Gilbert Neighbourhood**

Joanne Hickey-Evans advised that this application is for a request to change to condominiums, a 25 townhouse unit. The criteria for establishing whether this should be allowable is dependant on the vacancy rate in the City and the supply. The vacancy rate in the City is presently 5.8 % and the supply of housing is 5%, therefore, the conversion is allowable. Joanne Hickey-Evans continued by stating that one tenant information meeting was held and 17 tenants were present. The majority of tenants would like to purchase. She therefore recommends approval as submitted.

Ross McCloud, Solicitor for the applicant was present and was in support of the report.

Carl Glover, a tenant in the building, stated that he is in favour of the proposal.

In response to a question from Alderman Copps, Joanne Hickey-Evans advised that 22 of 24 options to purchase have been signed by people who are willing to buy the units.

As recommended in a report from the Director of Planning and Development dated 1996 October 15, the Committee recommended to Council as follows:

That Application CD-96-001 under the Rental Housing Protection Act, 977340 Ontario Ltd. (Richard Edwards), owner, for conversion of 25 rental row house units to condominium units for the property located at 1088-1120 Garth Street and 101-117 Bonaventure Drive, as shown on the attached key map, be approved on the following conditions:

(a) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

(i) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

(ii) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval;

(iii) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

(iv) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

(v) that such leases shall commence no later than the date the Rental Housing Protection Act Approval Agreement with the City is registered on title; and,

(vi) that the Tenants may terminate the said lease at any time on 60 days written notice, without penalty.

(b) That the Owner grant to the Tenants residing at the premises as of the date of Council approval of the RHPA application an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(c) (i) That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(ii) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

(iii) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(d) That this RHPA approval shall cease and be at an end,

(i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(g) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. <u>Master Plan for the Revitalization of Ferguson Avenue.</u>

Hazel Milsome advised that in 1992 Council approved the formation of the Advisory Committee. This Advisory Committee has had a public participation process which has been intense. Three workshops have been conducted, one in each neighbourhood. Representatives of all the neighbourhoods were on the Committee, in addition to representatives of business improvement areas and of individual businesses. She stated that Phase 1 of the Barton and Cannon area has been implemented in 1995 by private initiatives.

Mr. Gary Heine, of J.S.W. and Associates, who is the consultant hired for the study was present. He is principle of the company and also a landscape architect. Mr. Heine stated that this is a hands-on package, in terms of development and it also serves as a master plan. The package is very comprehensive. He showed the Committee members detailed drawings of Ferguson Avenue from the waterfront to the mountain and conducted a walkthrough of these areas. He stated that there were 5 implementation priorities established by the Committee; that the area be green, that it be safe, that heritage be preserved, that there be an emphasis on pedestrians and that it be livable. He state that there are various areas of social interactions, that pedestrian and bicycle connections are also promoted. He stated that the Corktown and north and east areas are single family enclaves and want to be retained as such, with each their distinct character.

Chris Eckland, of Condo Corporation 160, 175 Hunter Street East, Suite 605, L8N 4E7 was present. He stated that he would like a copy of all the documentation since he has had no knowledge of this initiative thus far.

Mr. Heine stated that there will be no actual development without input of the residents and business areas. He stated that this master plan is a concept and a strategy to be used as a guideline.

Hal Costea, of the Corktown neighbourhood was present. He said things are changing, the area is stabilizing, schools are becoming filled, and young families are moving in. He stated that not only will the development of the Ferguson Avenue help the Ferguson streetscape itself but also will have spinoff effects onto the abutting neighbourhoods and in the downtown area.

Fred Muylart was present. He has been the Chairman of the Committee for the past 2 years. He stated that there has been almost unanimous consent of the concept plans and of the document. He stated that indeed this project will be a catalyst for the downtown area.

Mary Pocious, of the International Business Improvement Area and a resident of 150 Charlton Street East was present. She stated that each neighbourhood has had an opportunity to keep its own identity. She stated that if implemented, this will boost the residential and businesses in the area and she supports it strongly.

Alderman McCulloch stated that he is in support of the report. He stated that it is great that the railway will be removed.

Alderman Caplan commended the people who worked on the project for their time and effort and for a job well done.

As recommended in a report dated 1996 October 16 from the Director of Planning and Development and the Commissioner of Public Works and Traffic, the Committee recommended to Council as follows:

(a) That the Master Plan for Ferguson Avenue (as distributed to Members of the Planning and Development Committee under separate cover and labelled Appendix "C") be adopted;

(b) That the Capital Works for the portion of Ferguson Avenue between King Street and King William Street be forwarded for inclusion and consideration in the 1997-2006 Capital Budget;

(c) That staff of the Planning and Development Department be directed to prepare the Official Plan Amendment to establish Ferguson Avenue as a Special Policy Area to the Official Plan;

(d) That the proposed changes to the Corktown Neighbourhood Plan be referred to the Corktown Neighbourhood Plan Advisory Committee; and,

(e) That the Staff report dated 1996 October 16 be appended to the Ferguson Avenue Master Plan for implementation.

3. **Downtown Hamilton Community Improvement Project Area and Community Improvement Plan**

Ms. Milsome stated that the area in question is bounded southerly by Hunter Street, northerly by Cannon, easterly by Victoria Avenue, and westerly by Queen Street. There are 2 purposes of this document; to address legislative requirements under the Planning Act, and to provide tools to revitalize the downtown core. It also implements

initiatives in the strong medicine documents and various other documents which have been approved by committees and Council.

Alderman Copps was concerned with how this document fits into other documents already approved. She stated that we require integration.

The Mayor explained that the Downtown Development Corporation is dealing with downtown co-ordination in conjunction with the C.A.O.'s. The home builders are aware of all reports and many groups and associations are aware of what the other groups are doing. We are working towards integration of all ideas.

Alderman Caplan was concerned with Item Sub (b) with regard to parking. In response, Alderman McCulloch suggested that the document go forward since it is a flexible document and can be amended at a future date.

Alderman Eisenberger was also concerned with lack of co-ordination. He stated that he would like one package to come back to Council which includes all the City initiatives thus far.

Victor Abraham advised that this document provides the legislative frame work. With regard to Alderman Caplan's concern, Victor Abraham advised that in order to change the parking, the by-laws must be changed. With regard to Alderman Eisenberger's concerns he stated that all changes will come back in a comprehensive package.

Alderman Charters was concerned with Sub-item (w) with regard to increases in assessment rebate program. Hazel Milsome advised that if this item was agreed to, it would go back to Council for approval. Alderman Charters requested an amendment to delete Sub-section (p) with regard to the second division NHL. The Committee concurred to amend the document by deleting (p).

Alderman Copps was concerned with Sub-item (bb), regarding elimination of non-resident library fees. The Committee concurred that this be amended to state that this will be studied only.

Alderman Kiss was concerned with Sub-item (t), regarding a downtown co-ordinator. The Committee concurred that this be amended to state that we will examine the possibility of hiring of a downtown co-ordinator.

Following discussion the Committee moved to recommend to Council the recommendation in the report of the Chief Administrative Officer dated 1996 October 15, as amended, as follows:

(a) That a Downtown Hamilton Community Improvement Project Area be designated as per the attached Appendix "D"; and,

(b) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,

(c) That the Downtown Hamilton Community Improvement Plan attached as Appendix "E" be adopted, in order to implement the Hamilton Downtown Convert/Renovation-to-Rent Loan Program as well as refund zoning, building permit, building permit, site plan and parkland dedication fees; and,

(d) That the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(e) That the City Solicitor be authorized to prepare the requisite By-law for (c) above.

4. Approval of Neighbourhood Plan - Albion Falls Neighbourhood Plan Review.

David Godley advised that there has been a public meeting in June and that over half the residents in the area attended. He said that even though written submissions were invited, there were no written submissions. There is a good general agreement from the public on the plan.

Alderman Eisenberger questioned the necessity to have 2 access points. Mr. Godley advised that the Traffic Department insists that there be 2 accesses in the sub-division for safety reasons.

Alderman Eisenberger was concerned about building a bridge, since it is very costly. Eugene Chajka reiterated what was earlier stated by Mr. Godly that 2 accesses are required.

Alderman Copps was concerned as to who will pay for the Arbour Road bridge.

Following a brief discussion, Alderman Jackson suggested that the plan be approved and staff be requested to investigate who in the future is to pay for the Arbour Road bridge.

As recommended in a report dated 1996 October 11 from the Director of Planning and Development, the Committee recommended to Council as follows:

> That the Albion Falls Neighbourhood Plan be approved as amended by the attached Proposed Plan (attached hereto as Appendix "F") and associated special policies.

Frank Field of 142 Mud Street, a resident of 59 years was present. He stated that there is a small parking lot in the area that people use to access the Red Hill Creek. He stated that this area should be enlarged because of the spillover effects to the neighbourhood.

5. REFERRAL BACK FROM COUNCIL

Building Permit Fee Reduction for Barrier Free Access in Single and Two Family Dwellings

Alderman Copps requested that because these families may have other economic hardships; that there be no fee for conversions of existing buildings. Peter Lampman stated that the resolution should be amended to state "existing" as well. The Committee concurred.

Alderman Caplan stated that he would like staff to examine incentives to make new homes barrier free.

Following discussion, the Committee resolved that the following resolution be recommended to Council for approval.

> That the City Solicitor be authorized and directed to prepare an amendment to By-law 93-167 to authorize permits and fees by adding Item 1(a) to Schedule "A", as follows:
>
> 1(a) permit for the construction of barrier-free access in existing single and two family dwellings $0.

6. REFERRAL BACK FROM THE COMMITTEE OF THE WHOLE

The Downtown Ideas Charrette

The Committee concurred that the report of the Hamilton Architects be referred to the Planning and Development staff for comment and report back at a later date.

7. DIRECTOR OF PLANNING AND DEVELOPMENT

Request to exempt from Site Plan Control - Third Party/Billboard Signs - 22 Wilson Street, 2837 King Street East, 48 Centennial Parkway North, and 927 Rymal Road East.

Caroline Floroff advised that these would have been considered for an exemption prior to the passing of the Billboard By-law and are now still being recommended as such.

As recommended in a report from the Director of Planning and Development dated 1996 October 15, the Committee recommended to Council as follows:

That approval be given to Gould Outdoor Advertising, lessee, for a request to exempt from Site Plan Control four third party/billboard signs located at: 22 Wilson Street, 2837 King Street East, 48 Centennial Parkway North land 927 Rymal Road East, as shown on the attached maps (Appendix "G", "H", "I", and "J" respectively), on the following basis:

. that the setback for the proposed third party/billboard sign at 2837 King Street East be shown as 12.8 m from the widened road allowance limits of King Street (North limit of Part 2 on Reference Plan 62R-2417), as shown on the modified site plan for this property (see Appendix "L" attached):

. the owner not be required to enter into the Site Plan Control Agreement nor provide securities for the project; and,

. development is in accordance with the attached plans (Appendix "K", "M", "N" and "L", as modified).

* **ALDERMAN COPPS OPPOSED.**

8. IVOR WYNNE STADIUM, 160 BEECHWOOD AVENUE NORTH AND 75 BALSAM AVENUE NORTH

(a) City Solicitor

As recommended by the City Solicitor in a report dated 1996 October 17, the Committee recommended to Council as follows:

That the appropriate City Staff be authorized to defend the position taken by the Committee of Adjustment with respect to Application No. A-96:207 for Ivor Wynn Stadium.

(b) Building Commissioner

Alderman Eisenberger asked if safety was ever an issue in the Ivor Wynne Stadium matter. Peter Lampman advised, that safety was not in issue and that the work is proceeding satisfactorily. Similar stands have been approved around the country in various locations.

Alderman Eisenberger stated that the seats are perfectly safe, they have been inspected at various times throughout their erection.

The Committee moved to receive the report of the Building Commissioner dated 1996 October 18.

9. STATUS REPORTS ON MOBILE SIGNS

(a) Director of Planning and Development

(b) Building Commissioner and Director of Public Works and Traffic

Caroline Floroff advised that since the Mobile Sign issue was last discussed, six members of the Mobile Sign Industry and two citizens have responded to calls to initiate a committee to discuss mobile sign issues. They have already met and the next meeting is October 8, 1996.

Alderman Eisenberger was concerned that signs on the road allowance have not been removed. Alderman Charters concurred and stated that the first matter to be resolved is to get rid of illegal signs on the road allowances.

In response to a question from Alderman Copps, Geoff Aston stated that there is an error in the report and that the minimum costs for removing the signs is $100. He stated that the Region is in the process of tendering the sign removal to make it quicker to remove the signs and more cost effective.

Alderman Jackson stated that he understands that we require the signs of the road allowance and that we want them to comply with the new by-law but he is concerned that the blanket approach is not good and a little heavy handed.

Alderman Caplan stated that there are risks of unfairness and it is not an easy decision, but the City must be made more attractive and safer and everybody must be playing on the same field. Since the City owns the road allowance, they should not be allowing signs to appear there. He stated that in the end, the way of conducting business will change and will be fair for everyone.

Victor Abraham advised that the by-law is expected to be passed by Council in November.

In response to a question from Alderman Charters, Geoff Aston advised that some signs which were removed, were placed back within the week.

Alderman Charters requested that at the next meeting, a plan be presented to the Committee as to how the signs will be removed. The Committee concurred.

Alderman Eisenberger suggested that if the signs are replaced at the same location, there should be a higher fine or punitive measures should be taken. The draft by-law should be changed to reflect this. The Committee concurred.

In response to a question from Alderman Copps, Geoff Aston stated that they are using the "Parcel" computer program to determine where these signs are located.

Alderman D'Amico suggested that people in other departments such as traffic enforcement officers be deputized to enforce this by-law.

Alderman Eisenberger also requested that staff report back on whether or not the City needs more tools in order to enforce the removal of these signs in the streets by-law. The Committee concurred.

The Committee moved to receive the Mobile Sign Reports from the Director of Planning and Development dated 1996 October 3 and from the Building Commissioner and Director of Public Works and Traffic dated 1996 October 11.

10. BUILDING COMMISSIONER

60 Newton Avenue

Correspondence from Joy James, 87 Newton Avenue

The Committee was in receipt of an information report from the Building Commissioner dated 1996 October 10 and correspondence from Joy James dated 1996 October 1st.

Peter Lampman advised that the owners had constructed a dormer and got an Order to Comply because the square footage of the area was larger than that allowable in the attic. The applicants then applied to the Committee of Adjustment but withdrew the application because they subsequently modified their plans to make the dormer into a window seat; and, therefore, there was no increase in the floor area.

The Committee moved to receive both the report and correspondence.

11. DELEGATION

Sergio Manchia and John Ariens of Planning Initiatives re: 991 Upper Paradise Road - draft Plan of Subdivision 25T-89037

Mr. Manchia stated that the subdivision was approved in 1989. Mr. DiCenzo who is the owner is presently proceeding with the construction of the site. The walkway was previously approved which was to lead to a park. The park is not there and will not be there since there is now a highschool at the location. Therefore the original purpose for the walkway is no longer valid.

Victor Abraham stated that staff does not disagree with the removal of the walkway, but in order to do so, we must amend the neighbourhood plan and should have a public meeting.

John Ariens advised that there is no requirement that notice be given. There is nothing there right now and there is no one there to approve or not approve of the removal of the walkway.

Therefore following a brief discussion, the Committee resolved and recommended to Council as follows:

(a) That the request by Sergio Manchia, on behalf of DiCenzo Construction, to delete the 9.0 m walkway, shown as Block 40 on the Draft Approved Plan of Subdivision attached as Appendix "O", Regional File No. 25T-89037, be approved and that the conditions of draft plan approval, as requested by the City of Hamilton, be revised as follows:

(i) That condition (a) be amended accordingly to delete reference to Block 40, the 9.0m wide walkway;

(ii) That condition (b) be amended accordingly to delete reference to the public walkway;

(ii) That condition (h) be deleted in its entirety;

(b) That the approved Falkirk East Neighbourhood Plan be amended to remove the walkway located between the extension of Sundown Drive and the adjacent high school; and,

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

12. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1996 October 2 were approved as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Ottawa Street Business Improvement Area (B.I.A.) Revised Board of Management - 1996-1997 - dated 1996 October 7:

(a) That By-law No. 95-045 appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following names:

Edith Desmairs	Gregory's Flower Shop
Gerald Carrey	Howard's Flower Shop
Michael Keir	Surplus Plus Discount Store

and add the following:

Mary Keir	Surplus Plus Discount Store
Dan Kwiatkowski	Beach Road Meats

(b) That the City Solicitor be authorized and directed to amend By-law No. 95-045 pursuant to (a) above.

C. BUILDING COMMISSIONER

(a) 11 Upper Paradise Road - demolition - dated 1996 October 11:

That the Building Commissioner be authorized to issue a demolition permit for 11 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) 171 Glow Avenue - demolition - dated 1996 October 11:

That the Building Commissioner be authorized to issue a demolition permit for 171 Glow Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(c) 363 Barton Street East - Commercial Property Improvement Loan Program - 1996 October 10:

(i) (1.) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Derek Scanlin, carrying on business as Barton Bubbles, for improvements to 363 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.75 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(ii) (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Derek Scanlin, carrying on business as Barton Bubbles, exterior storefront improvements to 363 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.75 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Removal of Part-Lot Control, Allison Estates, Phase 1, Stage 2, Subdivision. - dated 1996 October 18:

(i) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements on Lots 1 - 19, inclusive, located in "Allison Estates - Phase 1, Stage 2", as shown on the attached map marked as Appendix "P";

(ii) That the appropriate by-law to remove part lot control from Lots 1 to 19 inclusive, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, be enacted by Council; and,

(iii) That following the enactment of the by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

(b) Authorization for Public Meeting - Corktown Neighbourhood Plan Review. - 1996 October 11:

The Committee approved that the Planning and Development Department be directed to hold a public meeting to discuss the draft plan with the owners and residents.

(c) San Lorenzo Heights - Phase 2", Hamilton, (Cash Payment in Lieu of 5% Parkland Dedication) - 1996 September 26:

That the City of Hamilton accept the sum of $30.000.00 as cash payment in lieu of 5% land dedication in connection with "San Lorenzo Heights - Phase 2", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

(d) **Revision to Council Resolution regarding Zoning Application 96-07. - dated 1996 October 16:**

That Item Four of the Fourteenth Report of the Planning and Development Committee, as adopted by City Council on September 24, 1996, respecting the removal of the administrative direction associated with the former site plan control condition for ZA-96-07 988 Upper Paradise Road, be amended to delete Subsection (vi).

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) **Lister Block - Designation - dated 1996 October 11:**

(i) That the report of the Conservation Review Board hearing held 1996 May 9 recommending the designation of the Lister Block at 28-44 James Street North/5-21 King William Street, be adopted, and that the property as outlined in the Reasons for Designation attached hereto and marked as Appendix "Q", be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,

(ii) That the appropriate By-law designating the property at 28-44 James Street North/5-21 King William Street be adopted; and,

(iii) That the Mayor be requested to send a letter to the Historic Sites and Monuments Board of Canada requesting that the Lister Block, located at 28-44 James Street North/5-21 King William Street, be evaluated for recognition as a National Historic Site.

(b) **Hamilton GO Centre/T. H. & B. Station, 36 Hunter Street East - Heritage Permit for New Sign - 1996 October 15:**

That a Heritage Permit be approved for two generic letter signs to read "NEWSSTAND & PARCEL CHECK" and "PARCEL CHECK" to be installed on the bulkheads over the roll-down metal doors in the south-west and south-east corners of the concourse of the Hamilton GO Centre located at 36 Hunter Street East, Hamilton.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following items for information which were received under separate cover:

(a) Director of Planning and Development re: Rendering Plants, Recycling and Waste Management Industries, dated 1996 October 15

(b) Secretary, LACAC re: Minutes of the meetings held 1996 September 9 and 1996 September 23, dated 1996 October 9

(c) Building Commissioner re: Commercial Property Improvement Loan Program, 274 Barton Street East, dated 1996 October 11

Prior to voting on the motion, a discussion ensued with regard to Rendering Plants. Following the discussion, the Committee resolved as follows:

That staff of the Planning and Development Department be authorized to hold a public meeting in accordance with the Planning Act, to remove rendering plants as a permitted use in the "K" (Heavy Industry, etc.) District and the "KK" (Restricted Heavy Industrial, etc.) District.

That staff of the Planning and Development Department be directed to investigate the establishment of performance standards (i.e. separation distances, outside storage, screening, etc.) with respect to the location of recycling and waste management industries within the industrial districts.

13. OTHER BUSINESS

(a) CAPIC

The Committee was in receipt of a piece of correspondence from CAPIC regarding support for establishment of a downtown neighbourhood dated 1996 October 23.

The Committee resolved that this piece of correspondence be referred to the Planning and Development staff for review and report back to Committee.

(b) The Chairperson advised that he has correspondence from Ross & Ross Solicitors with regard to information on student housing. He stated that this will be distributed to the members of the Planning and Development Committee.

The Committee resolved that a report be reviewed by the Law Department and Planning Department staff and a report be brought back to the Planning and Development Committee.

14. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman D. Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" as referred to in Section 1. (a) of the Planning and Development Committee Minutes dated 1996 October 23.

APPENDIX "A"

LIST OF UNITS BY ADDRESS AND APPLICABLE MONTHLY RENT

Unit 1
1088 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $780.00

Unit 2
1090 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $731.44

Unit 3
1092 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $720.00

Unit 4
1094 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $727.34

Unit 5
1096 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $765.88

Unit 6
1098 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $780.00

Unit 7
1102 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $754.30

Unit 8
1104 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $709.00

Unit 9
1106 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $780.00

Unit 10
1108 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $780.00

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

Unit 11
1110 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $774.09

Unit 12
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $780.00

Unit 13
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $780.00

Unit 14
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $715.03

Unit 15
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: $759.32

Unit 16
117 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $780.00

Unit 17
115 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $790.00

Unit 18
113 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $780.00

Unit 19
111 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $736.35

Unit 20
109 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $721.65

Unit 21
107 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $780.00

Unit 22
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $805.00

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

Unit 23
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $750.00

Unit 24
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $765.88

Unit 25
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: $733.12

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

Appendix "B" as referred to in Section 1. (e) of the Planning and Development Committee Minutes dated 1996 October 23.

APPENDIX "B"

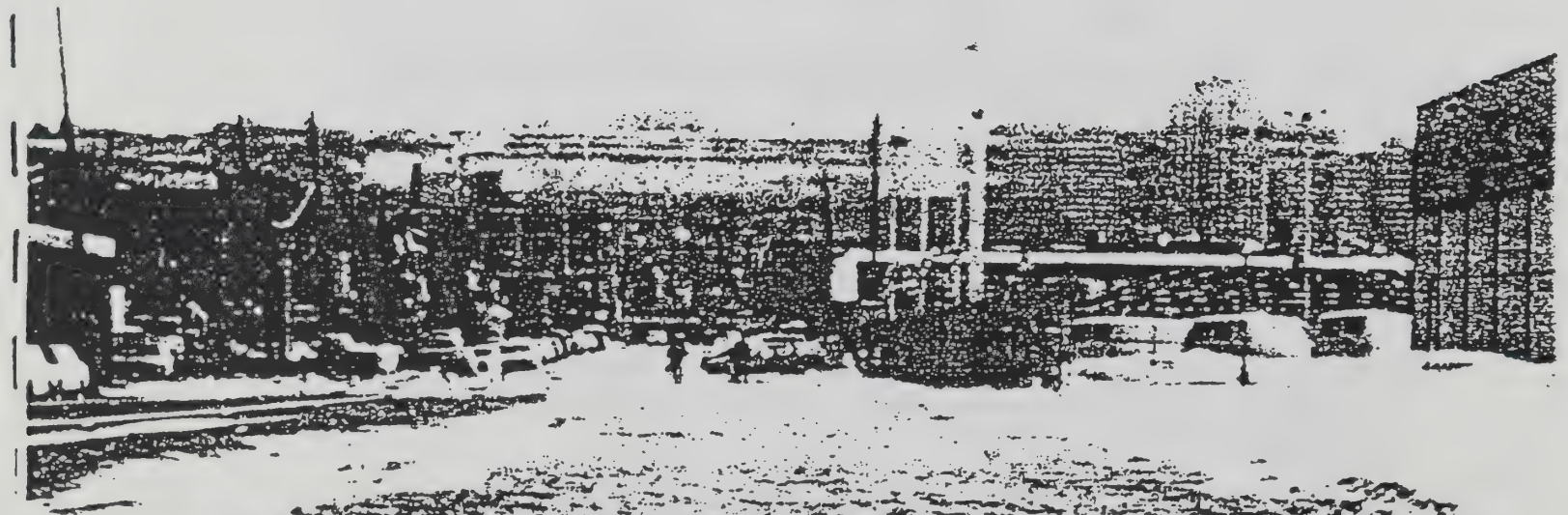
The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to the Option to Lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

Appendix "C" as referred to in Section 2. (a) of the Planning and Development Committee Minutes dated 1996 October 23.

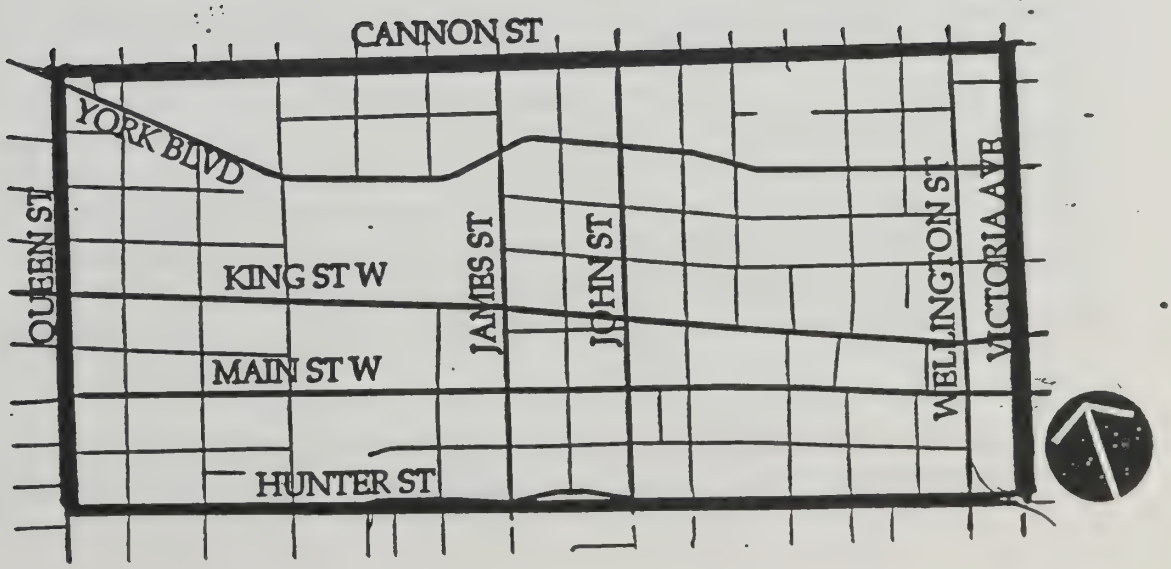


The Revitalization of Ferguson Avenue

JSW

Appendix "D" as referred to in Section 3. (a) of the Planning and Development Committee Minutes dated 1996 October 23.

DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA



(Bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue).

Appendix "E" as referred to in Section 3. (c) of the Planning and Development Committee Minutes dated 1996 October 23.

DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1996 October 16

1. INTRODUCTION

The purpose of this Community Improvement Plan is two-fold: i) to provide the context for a co-ordinated municipal effort to improve the physical, economic and social climates of the Downtown; and ii) to meet the legislative requirements of the community improvement provisions of the Planning Act, Section 28 that allows a municipality to provide loans and grants as are stipulated in the Plan.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in the Downtown. The focus of these initiatives, and of the Community Improvement Plan, is to foster an environment that will: increase the supply of residential units within the Downtown; ensure a viable Downtown population; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization projects that may be undertaken to stimulate community improvement. The objective of the Plan is to provide a context for Downtown revitalization projects, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging Downtown renewal. This Plan provides a framework to better identify projects, and makes reference to many initiatives that have been previously identified for Downtown revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding. Given the current economic realities, reliance on projects that will require public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining a vibrant, healthy Downtown. The role of the municipality is to provide incentives and remove barriers for development. The Downtown Hamilton Community Improvement Plan can provide a context and reference point for developing specific community improvement projects, as well as identifying actions that can be undertaken in a more co-ordinated manner that will foster Downtown renewal.

Like many other municipalities across Ontario, the viability of Hamilton's downtown area has declined in recent years. Factors contributing to the decline are numerous and include the following:

- the absence of new housing developments;
- a system of traffic flows and patterns that is not as user-friendly for pedestrian and cyclists and urban street life;
- assessed property values that no longer reflect market property values;
- shifting consumer retail shopping preferences;
- the lingering economic recession and the "jobless recovery";
- consumer preferences for a suburban atmosphere or "way-of-life" as opposed to a central city ambience; and,

- minimal marketing promotion of the advantages of Downtown Hamilton to prospective businesses and potential residents;

Yet, in spite of Downtown Hamilton's recent difficulties, there is a tremendous untapped potential:

- a population base of some 26,000 residents;
- a personal Disposable household income of residents in excess of $500 million;
- slightly over 38,000 jobs located in the downtown;
- a strong entrepreneurial spirit among downtown merchants;
- a clear civic commitment from residents of downtown neighbourhoods;
- connections to the West Harbourfront Area and potential redevelopment;
- the Art Gallery of Hamilton, Central Public Library, Hamilton Place, duMaurier Centre, Copps Coliseum, Gore Park, Jackson Square, Hamilton Eaton Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
- the availability of low-cost customer parking; and,
- a stable population base and the socio-economic characteristics of downtown residents.
- high accessibility compared to some other major centres e.g. Toronto

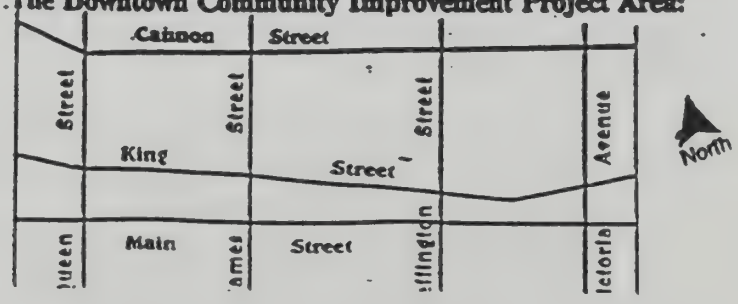
Since 1846, Downtown Hamilton has been the cultural, social and historical centre of the greater Hamilton community. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton and the Region of Hamilton-Wentworth is its clearly identifiable City Centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in greater Hamilton. The strength and vitality of Hamilton's downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton-Wentworth to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored.

2. AREA OF COMMUNITY IMPROVEMENT PLAN

The Downtown Community Improvement Plan applies to the lands identified in the Downtown Community Improvement Project Area (CIPA). The CIPA is bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue (as identified in Figure 1).

FIGURE 1. The Downtown Community Improvement Project Area:



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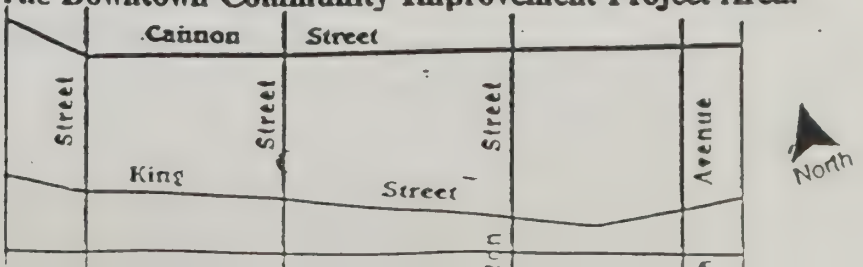
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FIGURE 1. The Downtown Community Improvement Project Area:



3. VISION OF THE DOWNTOWN

Generally the City of Hamilton is striving to achieve the following Mission Statement:

> *"That the downtown be a community where people wish to live, work and visit".*

As such, it is important that the downtown provide the following elements:

- it is integrated, safe, and healthy;
- it links a number of communities and facilities together;
- it is easily accessible and encourages walking, stopping and parking;
- it is a community for young families, aging population, student population, professionals, knowledge workers, workers, regional functions, world class business innovators, visitors, and gentry;
- it offers destination shopping and niche marketing;
- it appeals to those looking for 'creature-comforts'; and,
- it appeals to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in the downtown to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people downtown and these people spend money and invest in downtown, it will become a viable regional centre.

The three components of the Mission Statement for the downtown should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) Those People Who Live in Downtown

Much of the literature related to rejuvenation of downtown areas calls for increasing the amount of housing in the downtown area. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.

Specific initiatives that have and are to be considered include:

- implementation of the Convert-to-Rent Program;
- investigate improved transit;

- initiate a marketing program to illustrate the affordability of moving in downtown Hamilton compared to locations closer to Toronto;
- investigate linkages between housing development in the downtown and access to the GO Station; and,
- fee rebates for new development and redevelopment projects, waiving the parking requirments and the 5% parkland dedication.

b) Those People Who Work Downtown

For this group of people, the ultimate objective is for them to either generate a profit in downtown or provide a specific service to those in the downtown core. Those groups who wish to generate a profit in downtown include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be devised to enhance existing business operations and to attract new business ventures to the core.

Those who provide a service in the downtown area include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in downtown will benefit.

c) Those People Who Visit the Downtown

To the extent visitors can be attracted to the downtown area, additional dollars will flow to support downtown business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton and the immediate regional community, out of town visitors in Southern Ontario, the wider Provincial market and Canadian market, as well as international markets.

The intent of this exercise will be to build on the current strengths of the downtown area, develop such markets and broaden the catchment area for downtown facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

4. GOALS OF THE DOWNTOWN COMMUNITY IMPROVEMENT PLAN

The goals of the Downtown Hamilton Community Improvement Plan are:

a) to enhance the Downtown as a unique community and the Heart of the City and Region. The Downtown shall be a place where people are attracted to live, work and visit;

b) to encourage the preservation and enhancement of significant heritage resources;

c) to encourage and assist private property owners to rehabilitate buildings in the Downtown to ensure their long-term economic viability;

d) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,

e) to promote the continued development of the Downtown as the primary business, office, cultural and administrative centre for the City and Region.

5. OBJECTIVES OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

The objectives of the Downtown Hamilton Community Improvement Plan are:

a) to promote the long-term stability and viability of the Downtown;

b) to encourage the co-ordination of municipal expenditures and planning and development activity;

c) to stimulate private property maintenance and reinvestment activity;

d) to enhance the visual quality of the Downtown through the recognition and protection of heritage buildings;

e) to upgrade physical services and social and recreation facilities; and,

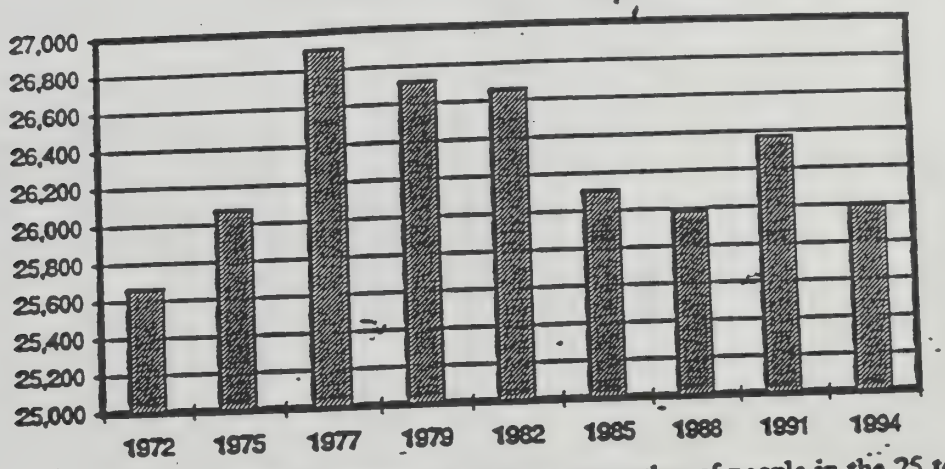
f) to provide for streetscaping, servicing and building rehabilitation and improvements to enhance the Downtown, and encourage complementary revitalization or redevelopment through private investment.

6. THE DOWNTOWN AREA - DEMOGRAPHIC ANALYSIS

The following is a summary of major demographic trends affecting the Downtown.

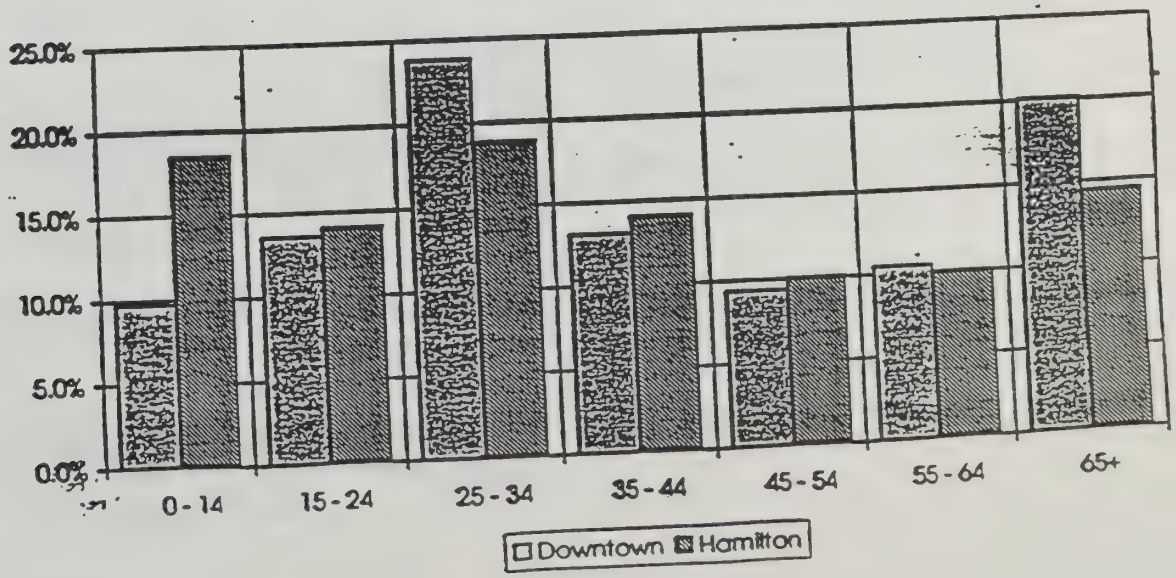
1. The population of Hamilton's Downtown experienced a decline in population from 1977 to 1985 and since that time has remained relatively stable in the 26,000 person range.

Population In Downtown Hamilton



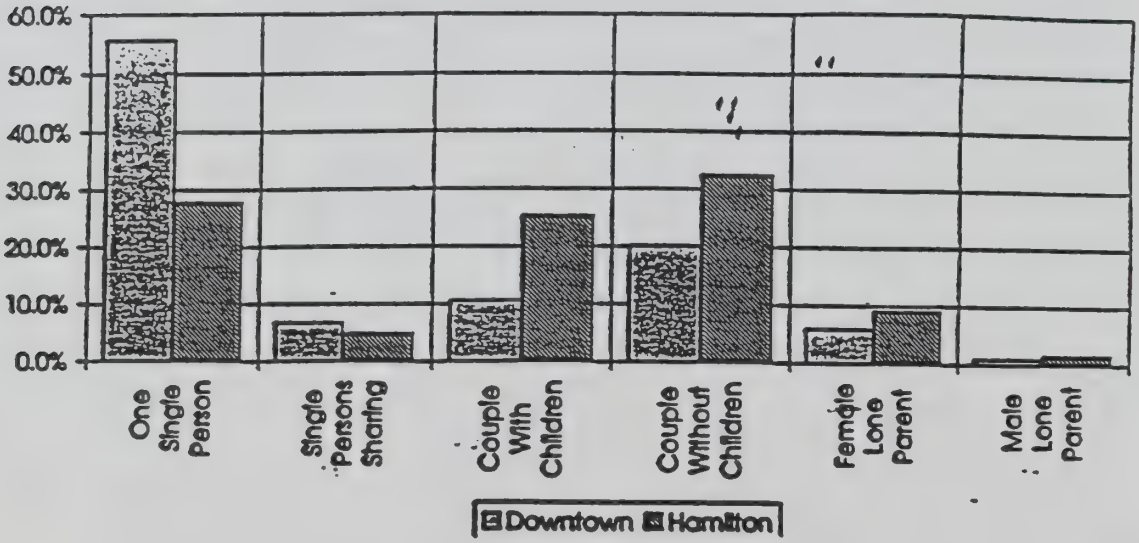
2. Downtown Hamilton recorded a higher proportion of people in the 25 to 34 years age cohort than the City of Hamilton as a whole. In addition, there was a lower proportion of children aged 0 to 14 years in Hamilton's Downtown compared to the City of Hamilton and a higher proportion of senior citizens aged 65 years and over.

Age Distribution of Population, 1991



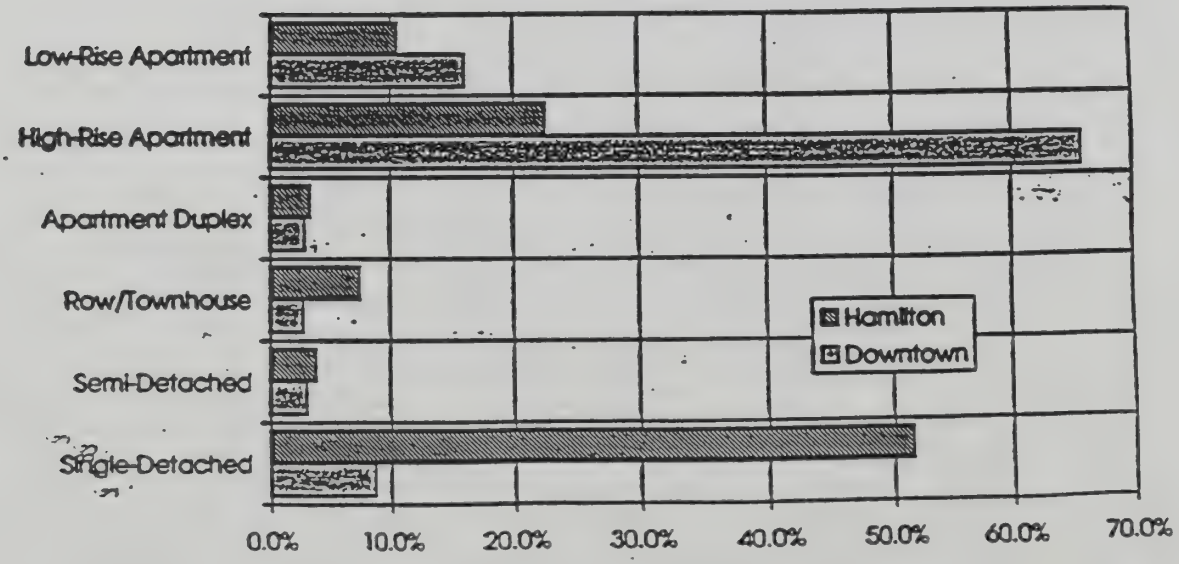
3. One single person households are the most prevalent household type in Hamilton's Downtown and accounted for over one-half of all households. There was a lower proportion of couples with children and couples without children in the Downtown compared to the City of Hamilton.

Distribution of Households by Type, 1991

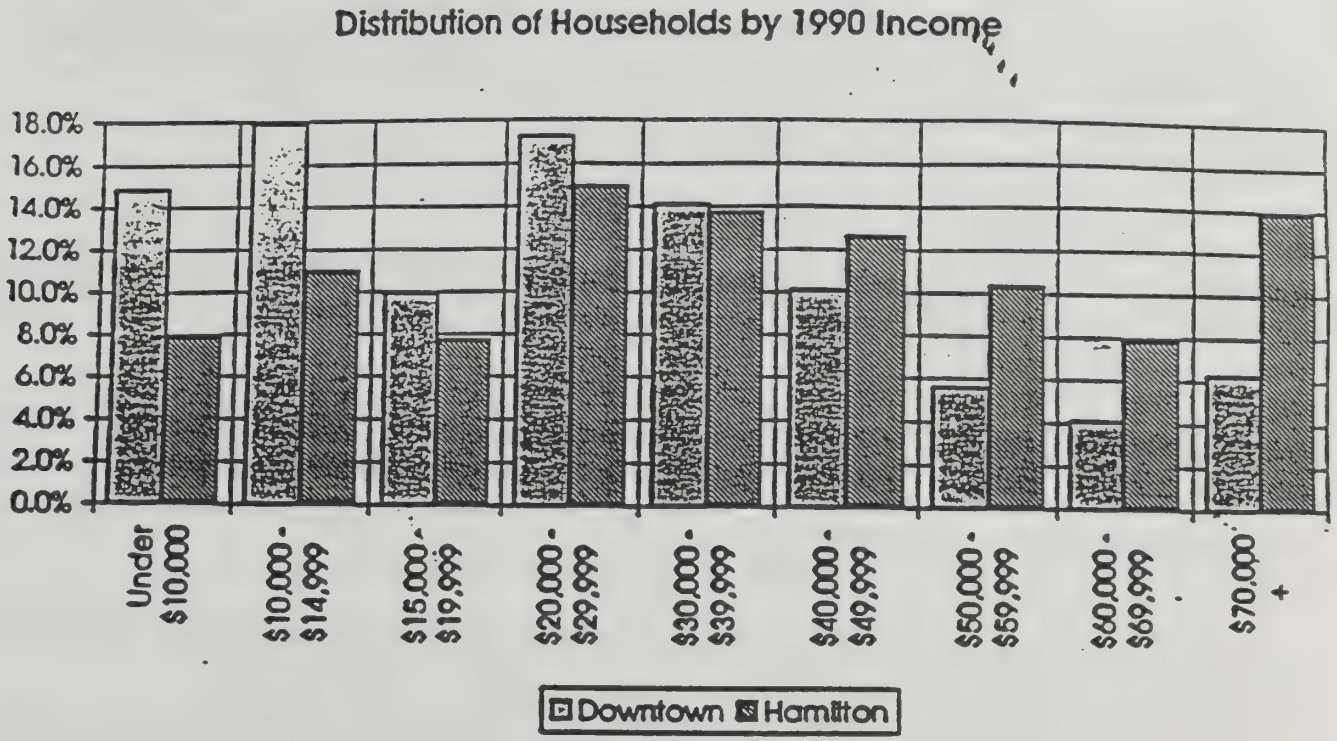


4. **There was a much higher proportion of high-rise apartment units in Hamilton's Downtown compared to the City of Hamilton, 65.8 percent versus 22.6 percent. Single-detached dwellings accounted for under 10 percent of all dwellings in the Downtown while the proportion for the City of Hamilton was over 50 percent.**

Distribution of Households by Dwelling Type, 1991



5. There was a higher proportion of lower income households in Hamilton's Downtown than the overall City of Hamilton and, conversely, a lowerproportion of higher income households. The average household income (1990) for Downtown households was recorded at $31,228. compared to $41,232. for the City of Hamilton.



7. PLANNING POLICIES AND CONTROLS

The following is a list of specific controls currently in affect in the downtown and major planning concerns.

A) Regional Official Plan - Towards a Sustainable Region

- Approved by the Ministry of Municipal Affairs on 1995 January 05
- Founded on the principles of Vision 2020 - sustainable development
- Downtown Hamilton designated as the Regional Centre, on Regional Development Pattern

Part B - Quality of Life

Provides policies which endeavour to enhance the way people live in this Region; issues relate to governance, environment, health, social services, shelter, culture, heritage, etc. Policies relevant to CIPA:

4.1.1 Implement an Economic Action Plan with emphasis on such things as improving workforce; improving competitiveness of small business; building partnerships in community; developing community infrastructure that is supportive of economic development.

Part C - Land Use Strategy

Contains more specific land use policies to help guide public/private decision making. Policies relevant to the CIPA include compact land use form; retail; services; transit:

3.1.1.3 **Promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region.**

3.1.1.4 **Maintain the Regional Administrative Offices in the Regional Centre.**

3.1.1.5 **Promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts).**

3.1.6.1 **Direct retail/commercial/office uses to locate in Mixed Use Activity Centres and Corridors, shopping centres, existing and planned retail areas.**

3.1.7.1 Encourage head offices and large branch offices of finance, insurance and real estate firms serving Region-wide or specialized interests to locate in the Regional Centre.

3.1.7.2 Encourage Region-wide or specialized community, business and personal services to locate in the Regional Centre.

4.3.2.3 Plan and operate the urban transit system, so that:

a) The Regional Centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility.

B) <u>City of Hamilton Official Plan - Central Area Plan - Extracts Relevant to the CIPA:</u>

Purpose: The Central Area Plan is a secondary plan prepared to give policy direction for the area bounded by the Harbour, Queen Street, the Escarpment and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Avenue.

Overview: The plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment and economic well-being of the Central Area, with policies aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

Status: The Plan is an update of the original Central Area Plan, which dates back to 1981 and is approved by Committee.

There are outstanding appeals of the O.P.A., some of which have been lodged by the Hamilton Harbour Commissioners. Several pre-hearing mediation meetings have been held, with a fifth one to be held shortly, but no compromise solution is anticipated at this time.

Policies: The portions of the plan policies most relevant to the CIPA are:

General: the Centre of Hamilton is considered the "Regional Centre"; and to be recognized as a multi-use area; emphasis on urban design, compatibility of uses.

Downtown Core: includes most of CIPA, except far east and north-east portions.

- Permitted Uses - to maintain and enhance the downtown core, a mix of uses to be encouraged, namely commercial uses (office buildings and stores); residential development; and institutional uses, esp governments.
- Promote as primary commercial centre of Region; location for offices, retail.

- Reinforce existing commercial on James Street, Hess Village, east of James Street.

Mixed Use: includes far east and north-east portions of the CIPA Area.

- Permitted Uses - light industrial, commercial, residential, institutional, recreational and related ancillary uses.
- Existing uses to remain; a mix of new uses to be encouraged; new developments not to adversely affect existing ones; applications to be considered on own merits, in light of long-term goals for growth and revitalization.

C) Neighbourhood Plans in CIPA

i) Central Neighbourhood Plan

Location - This neighbourhood comprises the area bounded by Queen Street, Main Street, James Street and the CNR Mainline north of Barton Street, and includes the portion of the CIPA between Bay Street and James Street.

Neighbourhood Plan Review - A review of the existing Central Neighbourhood Plan is nearing completion. A public meeting is to be held to enable additional public input, prior to the plan being taken forward for adoption.

The emphasis of the proposed plan, for the core area, is to strengthen and complete the areas designated "Downtown Core", as defined by the Central Area Plan. This includes all of the CIPA which is located in the Central Neighbourhood. Higher density housing (4 to 8 storey apartment buildings) are proposed adjacent to the downtown core.

Existing Plan - The original Central Neighbourhood Plan was adopted by City Council in 1973, and has been amended since that time. It designates lands within the Focus Area "Commercial", except for Copps Coliseum and Civic Square, which are designed "Civic and Institutional".

ii) Beasley Neighbourhood Plan

Location - This neighbourhood comprises lands bounded by James Street, Main Street, Wellington Street and the CNR Mainline. It includes the part of the CIPA east of James Street up to Wellington Street.

Neighbourhood Plan Review - A new Beasley Neighbourhood Plan has recently been approved by City Council. The plan was prepared by staff, in conjunction with an advisory committee.

The main thrust of the plan is to make the neighbourhood an "attractive" and "desirable" place to live, namely attractive to residents by improving their quality of life, and attractive to businesses by improving their viability. Proposed actions include increasing the amount of green space; promoting mixed residential/commercial along all major streets; scaling back the one-way street system; undertaking a market value re-assessment; upgrading police presence and attention to urban design; focusing the size of the commercial downtown core into a smaller geographic area; and discouraging the creation of new parking lots.

iii) **Corktown Neighbourhood Plan**

Location - This neighbourhood comprises the area bounded by James Street, Main Street, Wellington Street and the Escarpment, and includes the portion of the CIPA south of Main and east of James.

Neighbourhood Plan Review - A review of the existing Corktown Neighbourhood Plan began in April, 1996 and is nearing completion. The draft plan, prepared with a citizen advisory committee, has been circulated to agencies. A public meeting is scheduled for December 05, 1996 to obtain input from the general public, prior to the plan being finalized and taken forward to the Planning and Development Committee for adoption in early 1997.

The purpose of the proposed plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible, is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown. Higher buildings of up to 12 storeys are proposed in the core, with lower heights to the south.

Existing Plan - The original Corktown Neighbourhood Plan was adopted by Council in November 1973, and called for a number of rezonings. It has been amended extensively since that time. It designates lands within the CIPA mainly Commercial", and "Commercial and Apartments" and some "Civic and Institutional".

iv) **Durand Neighbourhood Plan**

Location - This neighbourhood comprises lands bounded by Queen Street, Main Street, James Street and the Escarpment. It includes the portion of the CIPA south of Main and west of James.

Neighbourhood Plan Review - The Durand Neighbourhood Plan Update was prepared beginning in 1984, with the assistance of a citizen advisory committee. The plan preparation process involved the identification of issues and development of policies and actions to address these. The final version of the plan was adopted by Council in 1987.

The major goals of the Durand Plan include preservation of the residential character, which includes a mix of densities; directing commercial uses to the periphery; increasing recreational and parkland areas; heritage preservation; and restricting through traffic. The area within the CIPA are designated mostly for "Commercial", "Civic and Institutional", and, "High Density Apartments".

Former Plan - The original Durand Neighbourhood Plan was adopted by Council in 1973. It provided for extensive areas of high density residential, and designated lands within the CIPA for much the same uses as the 1987 plan update.

D) Designated Buildings:

Designation of buildings under the Ontario Heritage Act is done for the purposes of identifying and conserving buildings that are considered to be historically and/or architecturally significant. This enables retaining the original architectural character of features, especially facades, and in some cases interior features. Heritage funding grants are available for this purpose, and threatened demolition can be delayed while alternative approaches are pursued.

There are presently 6 designated buildings within the CIPA. These include:

- Pigott Building
- Sun Life Building
- Right House Building
- Landed Banking Loan Co. Building
- Victoria Hall
- Hamilton Courthouse

The designation of buildings within the CIPA is continuously being reviewed, and LACAC staff have indicated there may be several more buildings to be added to the inventory of listed buildings in the future.

E) Zoning By-Law

The Zoning By-Law governs permitted uses and development standards in the City. Several zoning districts exist in the CIPA, indicated by letter codes. This is a brief overview.

"CR-3" (Commercial - Residential) District

- Found in several areas in central and east part of CIPA
- Permitted Uses: Residential - multiple dwellings; apt. hotel, care facilities; etc.
  Commercial - office; retail; etc.; combined with residential, separate access
  Institutional & Public - nursing home; day nursery; library; art gallery
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 24 storeys

"H" (Community Shopping and Commercial, etc.) District

- Found at eastern end of CIPA
- Permitted Uses: Residential - lodging house; single family with commercial; care facilities
  Commercial - wide range of retail; office; other; some light industrial
  Institutional - nursing home; home for aged; day nursery; jail; clubs; etc.
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"HI" (Civic Centre Protected Districts)

- Located in vicinity of Main Street and MacNab Street; Main Street and Bay Street
- Permitted Uses: hotel; nursing home; day nursery; public uses;
  Commercial - professional offices; various retail and service
- Density permitted: Max. Floor Area - 8 time slot area; Max. Height - 4 to 18 storeys

"I" (Central Business District, etc.) District

- Most prevalent zoning district in CIPA; found throughout, especially west and central
- Permitted Uses: Almost any residential, institutional or public use; care facility; lodging
  Commercial - almost any commercial; storage yards; industrial uses with minimal noise
- Density permitted: Max. Height - 37m (about 10 storeys) to 100m (about 30 storeys)

"J" (Light and Limited Heavy Industry, etc.) District

- One area in block at King William Street and Ferguson Avenue
- Permitted Uses: Institutional Uses including day nursery; detention centre
  Public & Commercial - Almost any use
  Light & Limited Industrial - uses such as food; mfg.; metals
- Density permitted: Max. Height - 10 storeys

Several site-specific Zoning By-Laws also exist, to define permitted uses and design for specific sites. For example, "H/S-472".

F) Site Plan Control

The entire Central Area is subject to Site Plan Control. The City reviews site design features, and co-ordinates siting of buildings; grading; landscaping; parking; access; other design aspects.

G) Planning Issues

i) **Buildings and Open Spaces**

There is diversity in the configuration of buildings and open spaces. There are several large buildings at the western end of the CIPA, including Jackson Square, an enclosed mall, the Hamilton Eaton Centre, Copps Trade Centre and Arena, and several other public buildings within the Civic Centre. There are also several other landmark buildings, many of which have historical significance. Along King Street East, facing Gore Park and extending to the east, most buildings are about three stories in height, apartments over stores, with some new infill.

ii) **Design**

Development in the downtown, although controlled by various regulations, does not always result in buildings and areas which are attractive to pedestrians. Some sections of the streetscape, such as adjacent to high-rise commercial buildings, are not as inviting to pedestrians as they could be, and in some cases there are obstacles to walking.

iii) **Limited Greenspace**

Gore Park is a small green space at the very core of the downtown. The green oasis which it provides is surrounded by roadways carrying the highest traffic volumes in the core. The main downtown location for bus stops is also at Gore Park, so the green park environment is often surrounded by a wall

of buses. The original fountain is being reconstructed in the Park, and bus shelters are also being considered, so the actual amount of green space is being reduced.

iv) **Downtown Development Corporation**

The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) is a non-profit organization created to establish Downtown Hamilton as the economic, cultural, social and institutional centre of the Region. It was established in mid 1995, with a wide membership including politicians, business people, municipal staff, residents and other key stakeholders, and is intended to be a high profile committee of decision-makers with a mandate for action. Currently they are developing a strategic action plan that will identify downtown initiatives through public/private partnerships.

v) **Status of Downtown Initiatives**

There are many actions, studies and other initiatives underway or being considered in the downtown area. These include areas such as lighting improvements, beautification, parking meters, festivals, student housing; sign requirements; major renovation; etc. There are several committees in addition to the GHDCDC Founding Board, such as the staff Downtown Initiatives Committee.

vi) **Gore Heritage Design Study**

This study was initiated to investigate how to best conserve and enhance the special character of the Gore area of Hamilton. The Gore Park area along King Street in the downtown has much historical significance, but is now threatened by vacant buildings, and high-rise zoning. The study identifies the potential for returning existing buildings to their original condition as well as investigating design guidelines and incentives.

vii) **Social Impact - Public Amenities, Safety, Accessibility**

Crime rates in the downtown and surrounding neighbourhoods are quite high, compared to many suburban areas. These rates must be considered in the context of the higher population densities in the core, and the higher risk of crime associated with more commercial areas.

8. PREVIOUS COMMUNITY IMPROVEMENT PROJECTS

Various portions of the Downtown have been, and in some cases, are still, sites of community improvement projects. The Core Redevelopment Area and corresponding Downtown Core Redevelopment Plan were established by by-law in 1983 for the purpose of implementing various phases of the Downtown Action Plan. The works undertaken included sidewalk improvements and widenings, park redevelopment, street lighting, plantings, street furniture and road resurfacing. Monies to implement the Downtown Action Plan were derived from the Ministry of Municipal Affairs under the Commercial Area Improvement Program and the City of Hamilton. The by-laws establishing the Core Redevelopment Area and corresponding Plan and addendums were repealed in 1991.

In 1986 the City of Hamilton established the Commercial Facade Program. The program is still on-going and provides loans (to a maximum of $15,000. per unit) at half the City's prime rate, amortized over a ten year period, for the rehabilitation of commercial property facades. This program has since expanded to include a maximum of $10,000. per unit for interior renovations and is now known as the Commercial Property Improvement Program. The properties must be within an established Business Improvement Area (B.I.A.). There are seven B.I.A.'s presently established in the City of Hamilton namely: Barton General, Concession, Downtown Hamilton, International Village, Main West, Ottawa North and, Westdale Village. Community Improvement Project Areas and corresponding Community Improvement Plans were created in accordance with the Planning Act, Section 28 for the purpose of implementing the Program.

9. COMMUNITY IMPROVEMENT INITIATIVES:

The following list summarizes the strategies and initiatives that may be pursued through this Community Improvement Plan, and through any other City action intended to foster downtown revitalization. This list is not intended to be exclusive or exhaustive. It is intended to provide a framework for Downtown revitalization and renewal. The initiatives have been identified at a number of levels including: the document entitled "Strong Medicine.... A Prescription for the Heart of Hamilton Wentworth; the City/Region staff's Downtown Initiatives Committee; the Mayor's Task Force for Downtown Renewal; and, the Hamilton Society of Architect's Downtown Charette.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including Standing Committee and Council if needed, and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

a) **The Convert/Renovate-to-Rent Program**

The City of Hamilton will provide financial assistance to property owners within the CIPA to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code (as per Appendix 'A').

b) **Fee Rebates for New Development and Redevelopment Projects, Waiving of Parking Requirements and 5% Parkland dedication**

As an incentive for development and redevelopment activities in the downtown, the City of Hamilton will offer fee rebates for planning and building new development and redevelopment projects as well as waive the 5% parkland dedication and parking requirements for residential development/redevelopment (as per Appendix 'B').

c) **Attract key "niche" retailers**

Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting of one or more major retailers without a significant presence in Ontario.

d) **Prepare Plans for Renovation of Key Vacant Buildings**

Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and "loft" apartments.

e) **Improve Fibre-optic Opportunities in the Downtown**

Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial "back office" functions.

f) **Canadian Society of Association Executive Convention in Hamilton**

Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.

g) Develop a Commercial Parking Lot Licensing By-law

Making parking lots part of the solution to the problems of Downtown, not one of its major symptoms. Combine licensing and redevelopment incentives for commercial parking lots to promote their early redevelopment and to discourage further demolitions leading to more vacant parking lots.

h) **Concept for Dealing with Tax and Assessment Issues**

Investigate whether the City and Region can facilitate a process through which the Ontario Municipal Board would agree to mediate settlements between the Assessment Commissioner and the appelants.

i) **Property Tax Exemptions for municipal and quasi-municipal uses**

Expand the range of tax-exemptions for public and cultural institutions, to promote their continued ability to operate econimically Downtown.

j) **City Housing and Development Targetting on Key Downtown Properties**

Identify four or five properties with a high redevelopment priority for the Downtown, and prepare investment portfolios for presentation to identified potential investors. The investment portfolios would highlight commercially attractive features, such as a commitment to include Regional Municipality office space, to relax parking requirements, etc.

k) **Implementation of "strategic initiatives" identified in the Downtown Charette**

Improve the physical/pedestrian links between key areas of Downtown; such as:between Hess Village and the Convention Centre; between James Street North and the Eaton Centre area; and, between Theatre Aquarius/Broadway and King Street East.

l) **Implementation of "Transportation" Initiatives with the Aim of Creating a More "People Friendly" Environment.**

Take the proposals set out in various documents e.g. the Regional Transportation Review and Downtown Charette, and explore with the Region, the alternatives to the existing downtown circulation system to promote changes and objectives of the downtown renewal strategies.

m) New Parking Requirements

Authorize universal "no charge" 3 hour parking in all or most municipal lots, to be effective for the 1996 Holiday season. Investigate other parking incentives.

n) Relocation of Regional Offices in the Downtown

As a lever to redevelopment, Regional Municipality office space should be relocated to strategic downtown locations wherever feasible, on an aggressive timetable. If appropriate, the decision to relocate the Region's headquarters to the Court House should be reconsidered, especially if a major new corporate or institutional entity could be recruited to Downtown by leasing that property.

o) Mass-Market the Art Gallary

Encourage the Art Gallery to initiate a major reservation-ticket exhibition with commercial marketing potential.

p) Neo-traditional Development in Neighbourhoods Surrounding the Downtown

Explore with the Hamilton Halton Homebuilders, the possibility of expanding their recent initiative into the creation of a full-scale neo-traditional neighbourhood on underutilized lands adjacent to the Downtown.

q) Create a Hamilton Secondary Plan

Create a separate Downtown Neighbourhood within the City and Regional Official Plans.

r) Create a Downtown Hamilton Partnership

Establish a Downtown Hamilton Partnership, a small group of leaders of business, government and the community at large, who would set broad, strategic direction for Downtown initiatives, but whose work would be done through existing organizations and special task groups created to achieve specific results.

s) **Engage a Downtown Co-ordinator**

Examine the possibility of hiring a Downtown Co-ordinator with responsibility to follow-up on the actions outlined in the Downtown Partnership Strategy. The Co-ordinator would be a full-time advocate for the Downtown, operating at arm's length from municipal authorities, but with the support of municipal resources.

t) **Include Funding for Initiatives in Current and Capital Budgets**

Create a separate Downtown current and capital budget within the overall budgets of the Regional Municipality and the City of Hamilton, in order to allow priorities to be established and work to be more effectively co-ordinated.

u) **Financial Assistance To Property Owners**

Investigate and if feasible implement, financial assistance programs to property owners such as Heritage grants/loans for rehabilitation of historically significant buildings within the CIPA.

v) **Increase in Assessment Rebate Program**

Investigate the potential of implementing a rebate program for property owners who improve their properties thereby increasing the property's assessment. If the potential for the program is feasible implement the Program.

w) **Bus Shelters in Gore Park**

Monitor the bus shelter issue in Gore Park.

x) **Garbage Containers in Alleyways**

Modify the design of the garbage containers in the back alleyways and produce a prototype of the design to determine whether the difficulties encountered through garbage collection is addressed. Continue to work with the B.I.A.'s to address the concerns.

y) **Improve Media Relations**

Establish a rapport with the local media. Feed the media with news on the downtown and celebrate successes.

z) Perimeter Road

The implementation of the Perimeter Road will alleviate the through traffic and truck traffic from the downtown.

aa) Examination of Non-Resident Library Fees

Study the possibility of eliminating the non-resident library fees to encourage residents from the Region to visit the Central Library in the Downtown.

bb) Pedestrian Improvement

Investigate improvements that will make the Downtown more pedestrian friendly. Possibilities could include: sidewalk widening, canopies, re-cyclable bins, additional benches, increased lighting, additional flowers and trees, and, installation of sign trees.

cc) Murals for the B.I.A.'s.

Create wall murals within the Downtown area and investigate other public art opportunities.

dd) Grey Cup Festivities

Approach the owners of empty storefronts to obtain permission to use the window area for displays. Install Grey Cup banners and Canadian flags. Create a mural that is free standing on public property infront of abandoned property. Install lighting in street trees and flood lighting for significant buildings.

ee) Mustard Festival

Implement festivals in the Downtown such as an Annual Mustard Festival.

ff) Sustainable Development Day

Bring the Sustainable Development activities to the Downtown core. Include downtown tours in the programming.

gg) Ferguson Avenue Redevelopment

Implement the downtown portion of the Ferguson Avenue Redevelopment Plan that creates a continual pedestrian/bicycle link between the Escarpment, the Downtown and the Bay. The Downtown portion creates a cultural area within the International Village B.I.A. providing the opportunities to hold many events within this area.

hh) Hughson Street

Review the potential for implementing the Hughson Street Study that proposes the creation of a pedestrian only area on Hughson Street between Hunter and King William Streets.

ii) Gore Park Heritage Study

Implement the Gore Park Heritage Study, a Study that identifies the potential for rehabilitating the historical significance of the buildings surrounding Gore Park.

jj) Downtown Demographic Analysis

Complete a demographic analysis of the downtown based on the 1996 Stats Canada information when available, as well as carrying out surveys, to better understand the surrounding community and to use as possible marketing tools for prospective businesses/developers.

kk) Research Downtown Initiatives in Other Communities

Continue to contact other communities to determine what has aided in revitalizing their Downtowns as well as what hasn't.

ll) Traffic Calming Initiatives

As part of a transportation review investigate traffic calming initiatives.

mm) Improve Safety and Security Initiatives

Investigate the possibility of hiring Ambassadors for the Downtown by contacting other communities that have implemented this initiative, and if appropriate and implement a similar program. The duties of Ambassadors range from cleaning the street to directing people and calling in to the Police Department when the need arises.

nn) **Hamilton/Halton Homebuilders Agreement**

Partner with the Hamilton-Halton Homebuilders Association for the purpose of co-ordinating the development of one or two blocks within the Downtown core. The development will act as a catalyst for other development initiatives.

10. CONCLUSION

The approval of a Downtown Community Improvement Plan will provide a legislative basis and context for some of the initiatives identified to foster Downtown revitalization. The Plan is intended to bring these efforts together within one document in order to ensure that the Downtown is dealt with in a comprehensive and co-ordinated manner, and that the initiatives identified can be directed towards community improvement.

As previously stated, each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process (Standing Committee and Council if needed), and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

APPENDIX "A"

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

(a)	Lender:	The Corporation of the City of Hamilton
(b)	Duration of Loan Program:	Until terminated by City Council
(c)	Initial Loan Capital: Additional Loan Capital:	$180,000. - City funds $180,000. - Region funds
(d)	Loan Interest Rate: Interest on Arrears:	Zero interest 6% per annum compounded annually
(e)	Maximum Loan Term:	Ten years (subject to prior termination on default) Principal repayable in monthly amounts over 120 months
(f)	Maximum Loan:	The lesser of cost or $12,000. per apartment unit with a maximum of $48,000. loan per property;
(g)	Purpose of Loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Cod The existing apartments must be in commercial buildings;
(h)	Security:	Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
(i)	Minimum Equity Requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed;
(j)	Realty Taxes:	In good standing at all times
(k)	Eligible Costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
(l)	Sale or Refinancing of Property:	Loan due in full;
(m)	Revolving Loan Account:	Loan repayments to be credited to loan program account for re-lending;

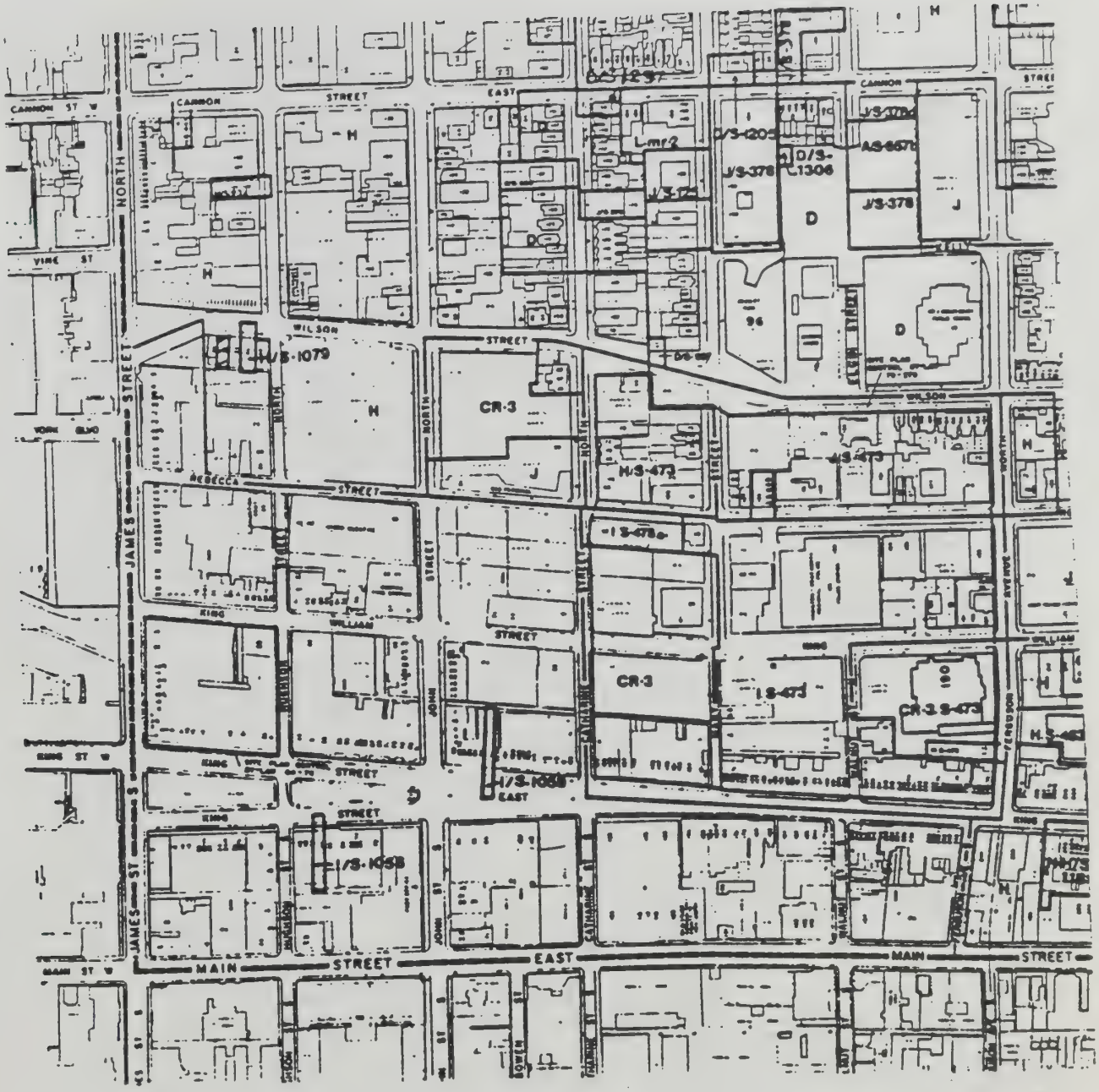
(n) Except as provided above, subject to City's usual lending criteria.

Appendix "F" referred to in
Section 4. of the Planning and
Development Committee Minutes
dated 1996 October 23.

Downtown Savings

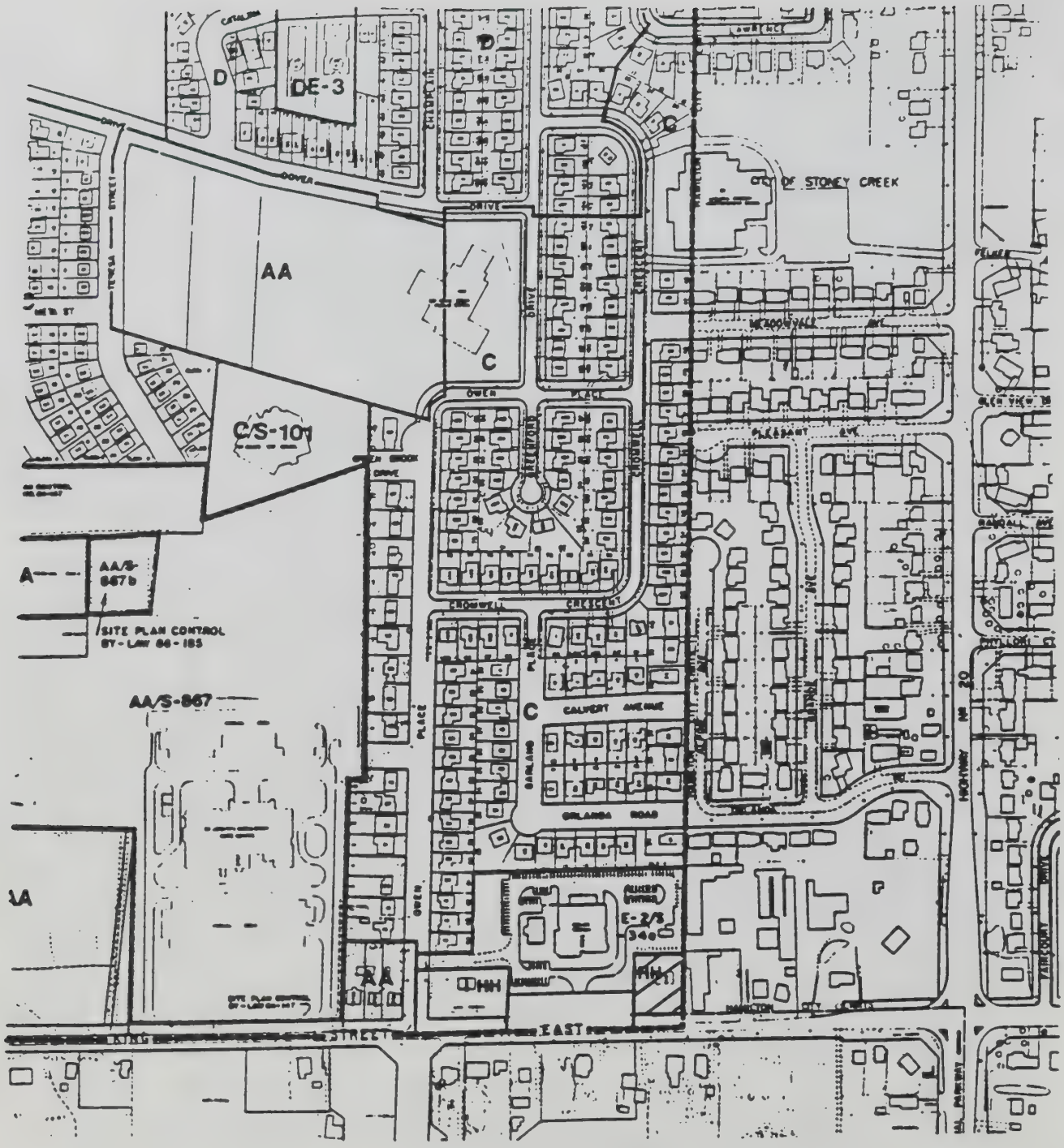
	Before Downtown Initiatives	After Downtown Initiatives
Development Charges Commercial - City	$ 0.00	$ 0.00
Commercial - Region	$2.64 / ft²	$ 0.00
Residential - City	single, semi or row - $1,565.44 2 or more bedroom apt. - $894.54 1 bedroom apt. - $447.27	$ 0.00 $ 0.00 $ 0.00
Residential - Region	single family - $5,113.00 multiple family - $3,798.00 apartment - $2,191.00	$ 0.00 $ 0.00 $ 0.00
Fees * Official Plan Amendment	$1,730.00	$ 0.00
Zoning By-Law Amendment	$1,730.00	$ 0.00
Minor Variance (1 or 2 family dwelling)	$250.00	$ 0.00
Minor Variance (all others)	$400.00	$ 0.00
Building Permits	$150.00 for 1st $10,000.00 of estimated construction value + $9.00 each additional $1,000.00	$ 0.00
Site Plan Application	$1,020.00	$ 0.00
Revision of Approved Site Plan	$410.00	$ 0.00
5% Parkland Dedication	5% or cash equivalent	0 % or $ 0.00, if building permit is issued by Sept. 1 1999
Public Parking in the Downtown (designated lots only)	$0.80/hr - $1.60/hr	$ 0.00 (Thursday & Friday evenings & all day Saturday)
Parking Requirements Residential	0.8 spaces per class A dwelling unit	0 spaces for renovations/conversions 0 spaces for new construction
Lot Area Requirements for Multiple Dwellings in "I" Districts	"I" District - 65m² (699.68 square feet) lot area per dwelling unit	gross floor area not to exceed 2.85 times the area of the lot

* Fees are refundable at the time of issuance of a building permit if issued by Sept. 1/99 and the fees are paid for after Aug. 27/96.



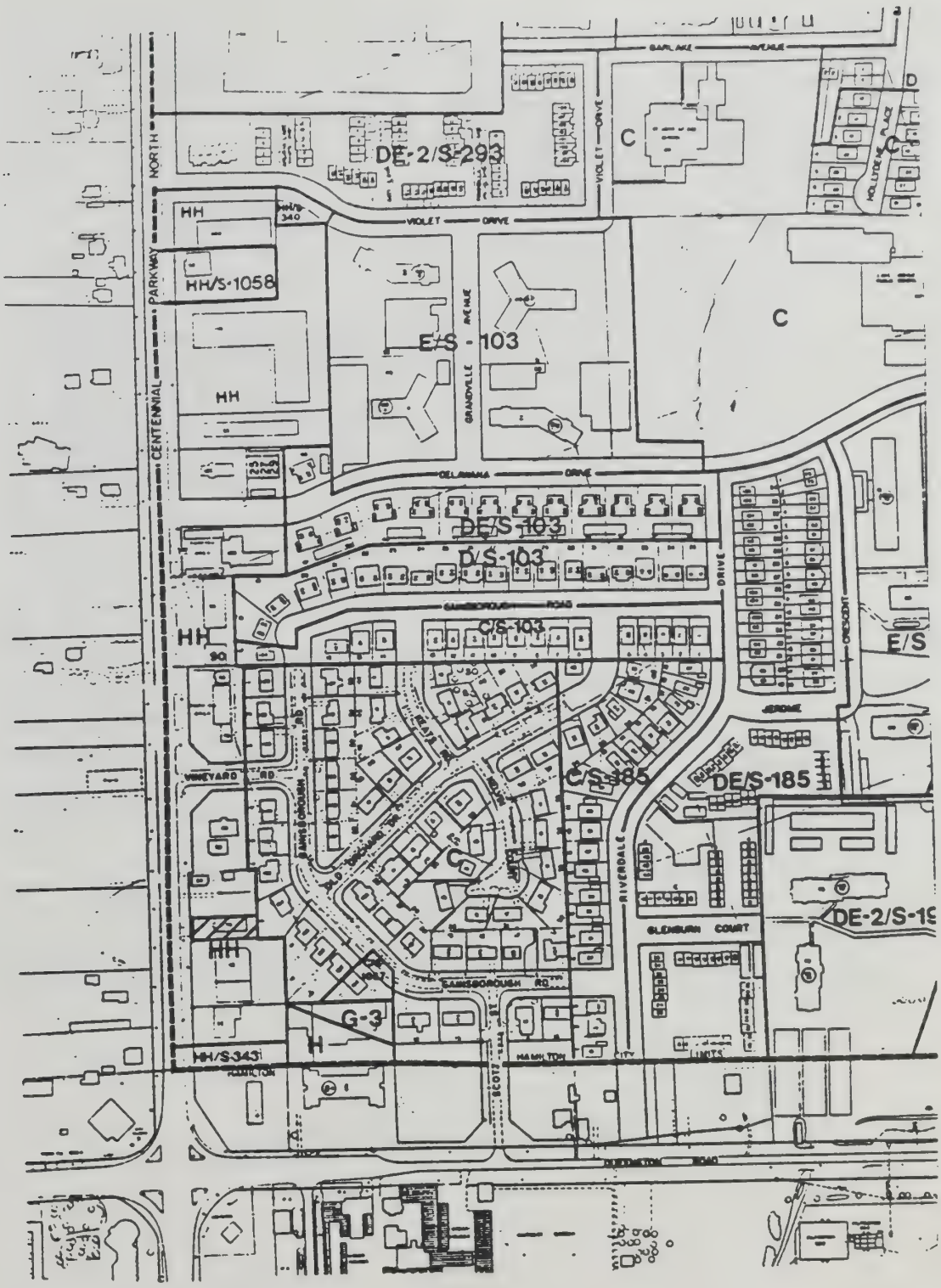
SUBJECT LANDS

Appendix "G" referred to in Section 7. of the Planning and Development Committee Minutes dated 1996 October 23.



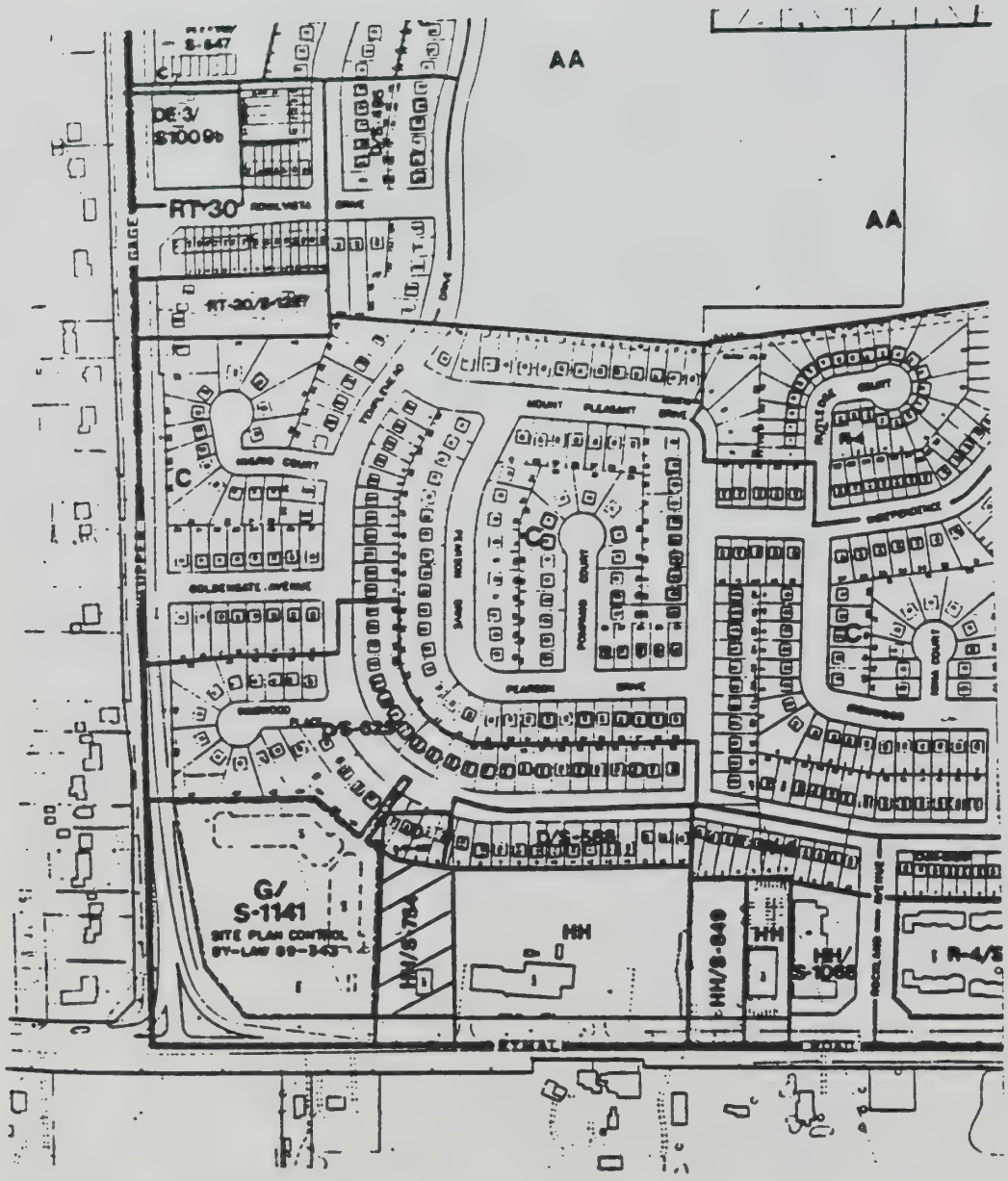
SUBJECT LANDS

Appendix "H" referred to in
Section 7. of the Planning and
Development Committee Minutes
dated 1996 October 23.



SUBJECT LANDS

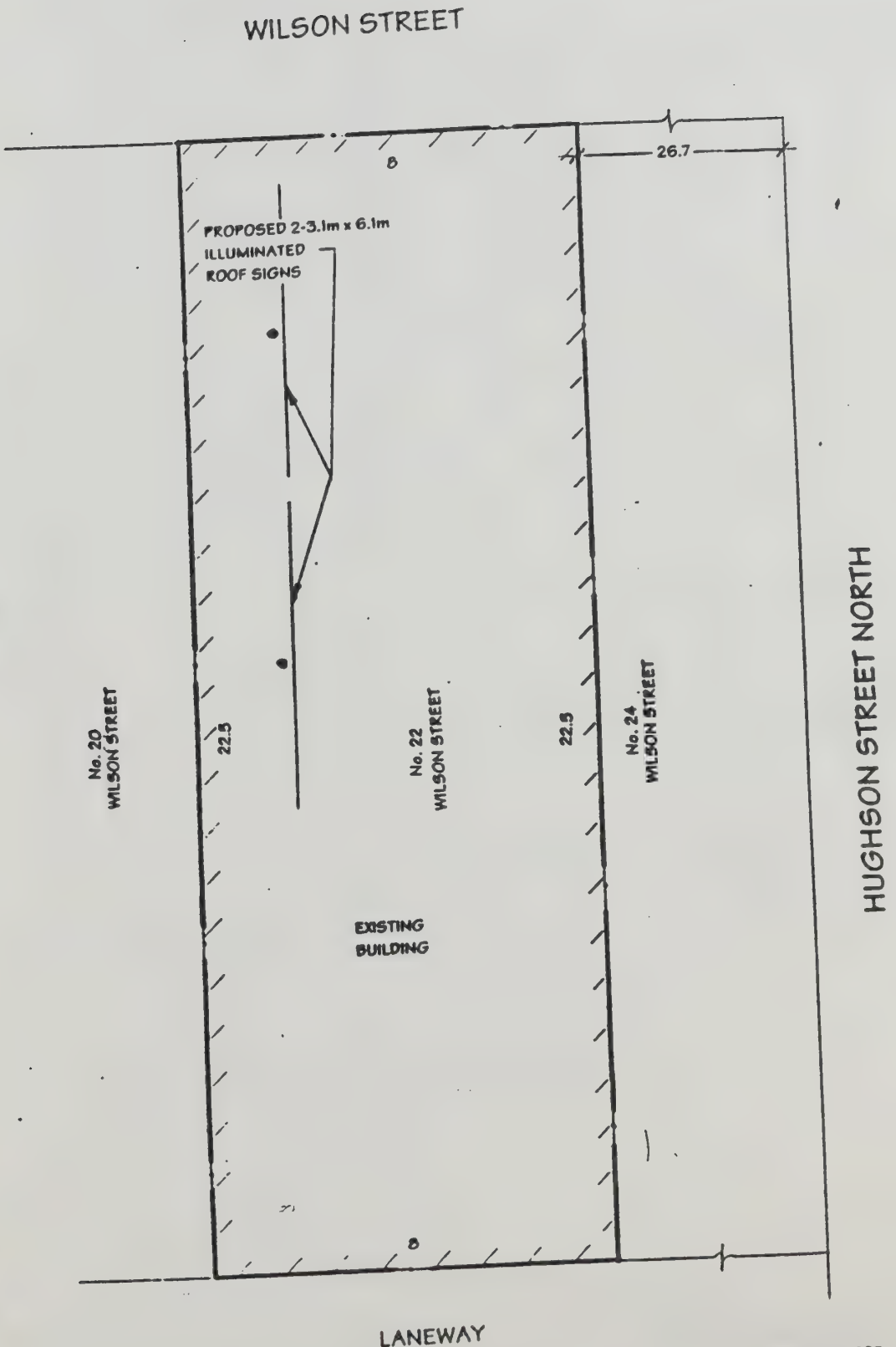
Appendix "I" referred to in
Section 7. of the Planning
and Development Committee Minutes
dated 1996 October 23.



SUBJECT LANDS

Appendix "J" referred to in
Section 7. of the Planning
and Development Committee Minutes
dated 1996 October 23.

Appendix "K" referred to in
Section 7. of the Planning
and Development Committee Minutes
dated 1996 October 23..



SITE PLAN FOR
22 WILSON STREET
HAMILTON, ONT.

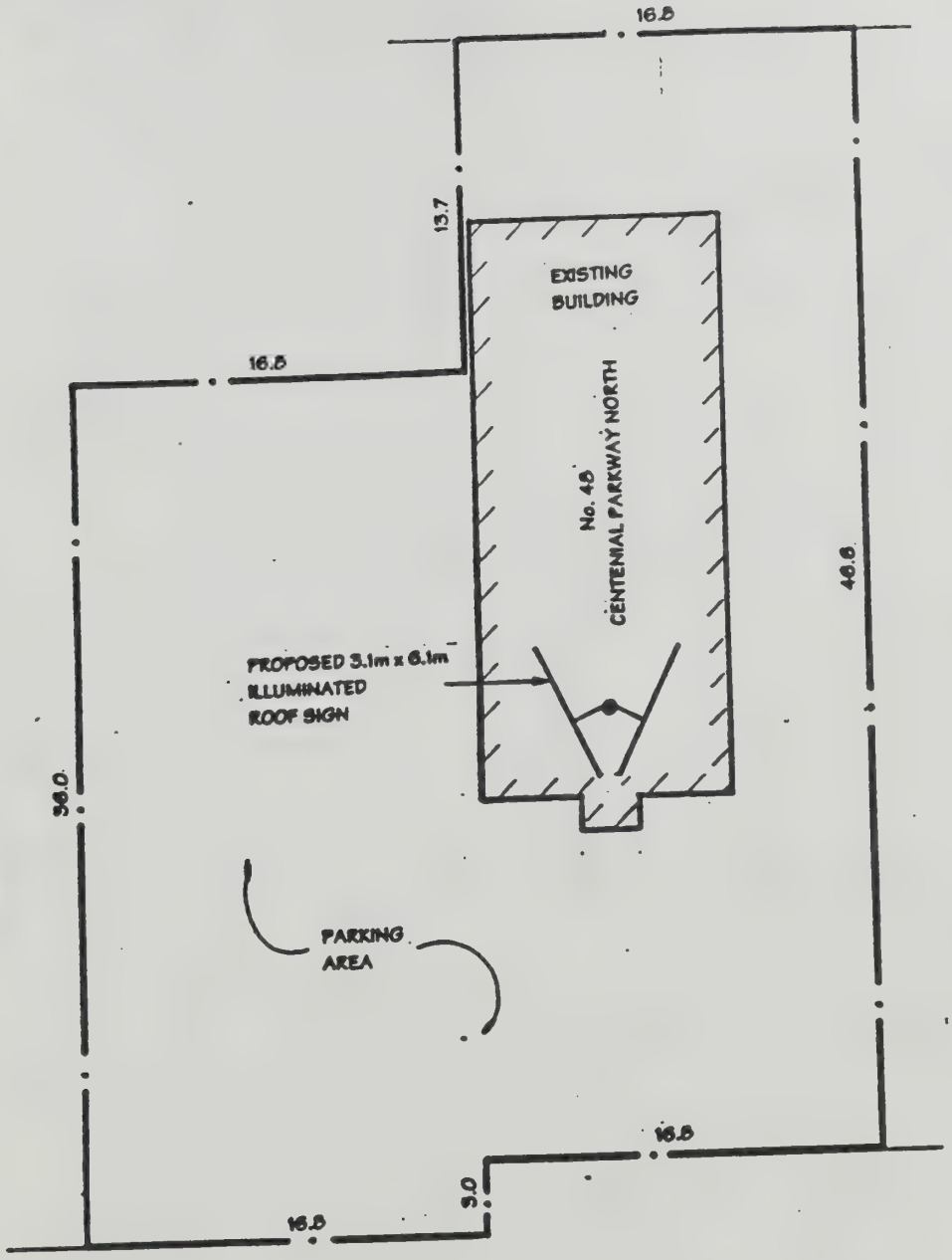
SCALE 1:100

SITE PLAN FOR
2837 KING ST. EAST
HAMILTON, ONT.

SCALE 1:300

Appendix "L" referred to in
Section 7. of the Planning
and Development Committee Minutes
dated 1996 October 23.

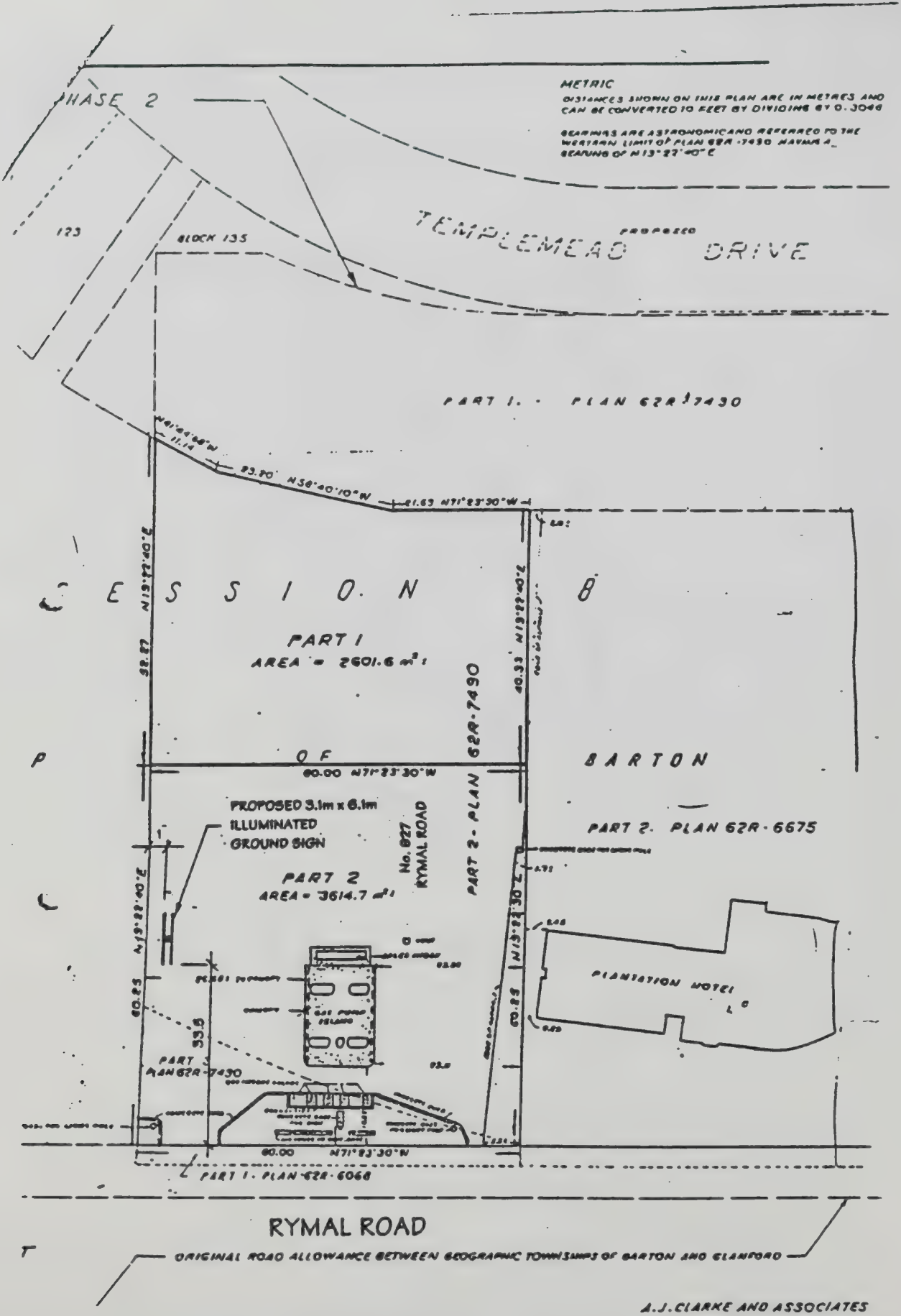
Appendix "M" referred to in
Section 7. of the Planning
and Development Committee Minutes
dated 1996 October 23.



CENTENIAL PARKWAY NORTH

SITE PLAN FOR
48 CENTENIAL PARKWAY NORTH
HAMILTON, ONT.

SCALE 1:250

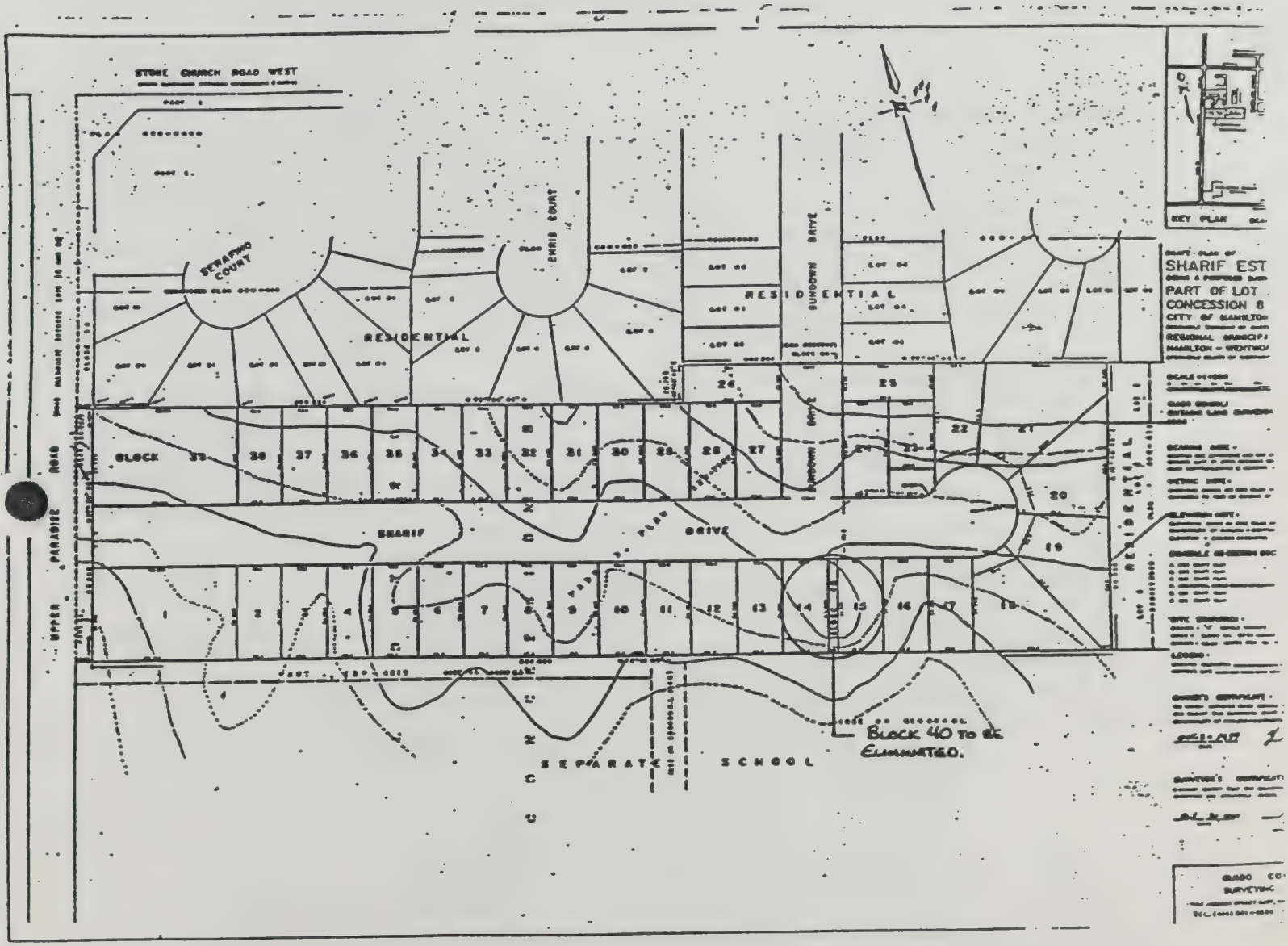


Appendix "N" referred to in
Section 7. of the Planning
and Development Committee Minutes
dated 1996 October 23.

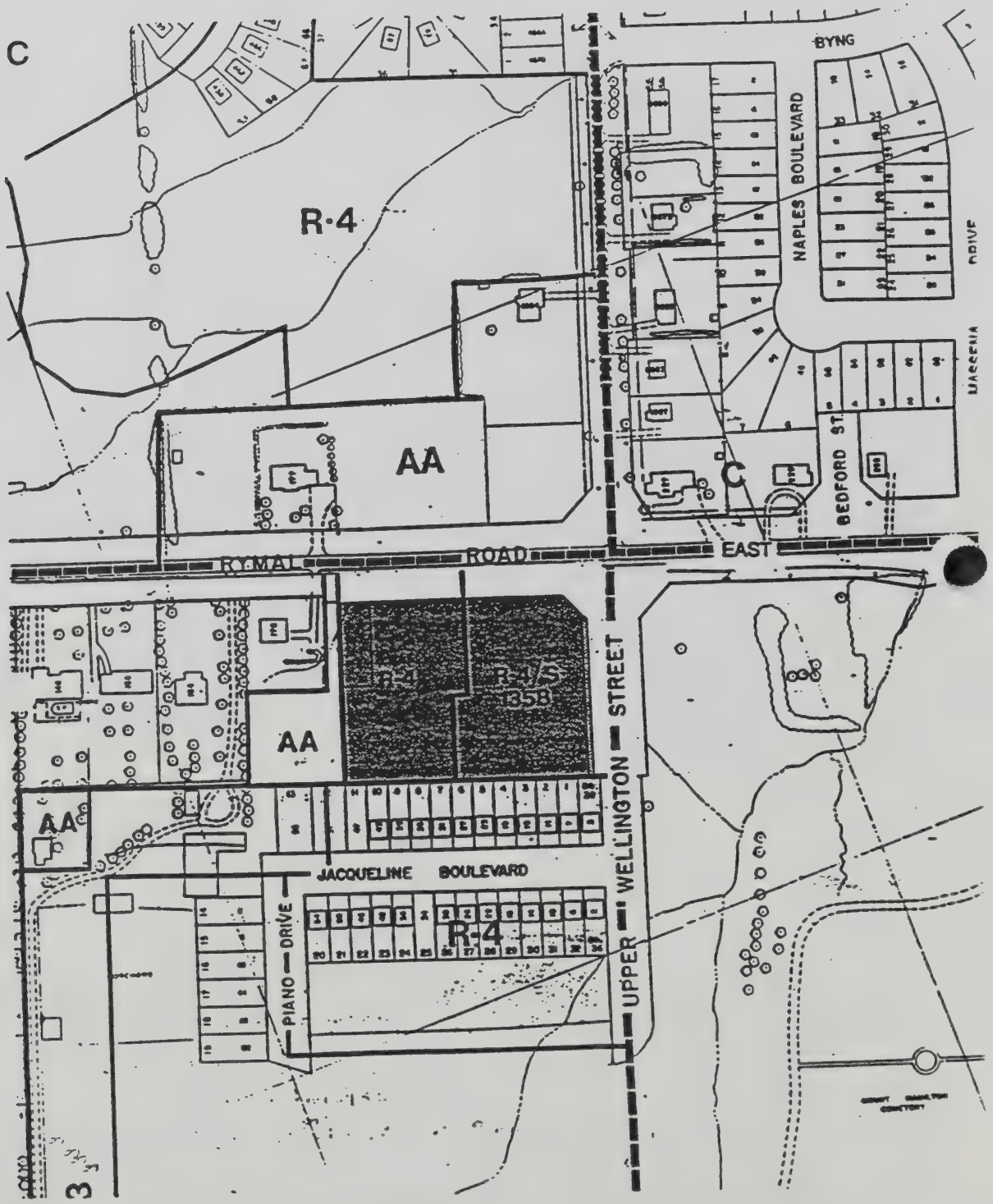
SITE PLAN FOR
927 RYMAL ROAD
HAMILTON, ONT.

SCALE N.T.S.

Appendix "O" referred to in
Section 11. (a) of the Planning
and Development Committee Minutes
dated 1996 October 23.



Appendix "P" referred to in
Section 12. D. (a) (i) of the
Planning and Development Committee
Minutes dated 1996 October 23.



Legend

Site of the Application

PLC-96-01

APPENDIX A

Appendix "Q" referred to in
Section 12. E. (a) (i) of the
Planning and Development Committee
Minutes dated 1996 October 23.

REASONS FOR DESIGNATION

Lister Block
28–44 James Street North / 5–21 King William Street

Context

The imposing six–storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north–east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four– and six–storey T. Eaton Co. department store (1916/20) to the north–west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six– and eight–bay street elevations, with entrances provided to the L–shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

History

The Lister Block site is noteworthy for its long–term association with the Lister family, dating back to the 1850s when the original four–storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six–storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up–to–date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two–level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service–oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

The present Lister Block remained largely occupied until the mid–1970s. Long–standing tenants included the Tait–Gibson Optical House at #44, one of the first and last occupants; the former White Grill Restaurant at #40 for over forty years; and the Anne Foster Music Shop located at #36 from 1942 until 1995, when the building was closed.

Architecture

The Lister Block is significant as Hamilton's oldest surviving major retail/office complex with a large interior arcade. It also ranks among the city's best surviving examples of the decorative use of terra cotta. Moreover, it is one of the most distinctive buildings designed by the local architectural firm of Bernard Prack & Co. (later Prack & Prack), whose achievements included the tall Gothic–inspired 1929 Pigott Building. Typical of early 20th century office buildings, the Lister Block combined technically advanced fire–proof construction with traditional architectural materials and forms. Stylistically, it followed the Renaissance Revival precedent adopted for Hamilton's pre–modern tall buildings, such as the Royal Connaught Hotel (1916), and was similarly characterized by the tripartite division of its facades into base, shaft and capital, all articulated by classical elements and details. The massing of the Lister Block, however, more closely resembled that of the early 20th century department store, with its bulkier proportions and horizontal emphasis (as exemplified by the original T. Eaton Co. building).

To the architect's credit, the Lister Block is distinguished by the clear architectural expression of its dual function, the skilful handling of Renaissance Revival forms, and high–quality materials employed in a visually effective manner. The building consists of a reinforced concrete frame clad in brick, terra cotta and sheet copper. The white glazed terra–cotta facade of the lower two stories of retail space comprises fluted pilasters supporting an entablature punctuated by decorative medallions aligned with the capitals. Set within this classical framework are the individual storefronts and wide display windows above. In contrast, the facade of the four stories of office space above is divided into bays of tall sash windows and copper spandrel panels by piers of dark brown rug brick. Crowning the facade is a white glazed terra–cotta entablature similar in design to the lower one, but more elaborate.

The L–shaped interior arcade, claimed at the time of its opening to be the first in Hamilton with a second level of shops, is also noteworthy for its architectural treatment: corridors with marble and patterned terrazzo flooring lined with varnished wood and plate–glass storefronts, and at street level, decorative plasterwork in the form of arches sprung from classical pilasters, and square skylights (originally domed on the interior).

The Lister Block has, to a large extent, preserved its original architectural character. Most of its original exterior and interior features are intact; and exterior alterations have mainly occurred at ground floor level: most noticeably, the partial removal of two corner pilasters. Only the former music shop front at #36 still stands unaltered.

Designated Features

Important to the preservation of the Lister Block are the original architectural features of:

– the two street facades (west and south), including all original windows, the one original storefront at #36, and the decorative terra–cotta and copper work, but excluding recent alterations to the storefronts and arcade entrances;
– the two–level interior arcade, including the shopfronts, decorative plasterwork, marble and terrazzo flooring, and skylights (excluding the recent bubble domes).

B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
327 Hixon Road (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Emily Archer, 327 Hixon Road, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Emily Archer, 327 Hixon Road in the amount of $2,000. The furnace has been replaced, and the Department recommends approval in the amount of $2,000 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

M. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request to exempt proposed ground (pylon) signs at 282 Centennial Parkway North.

RECOMMENDATION:

a) That approval be given to a request by Neon Products Limited on behalf of the owner Queenston Chev Olds, owner of the lands at 282 Centennial Parkway North, as shown on the attached map marked as Appendix "A", to exempt the proposed ground (pylon) signs from Site Plan Control procedures subject to the approval of the Committee of Adjustment for the following variances:

i) to reduce the required front yard for three ground (pylon) signs from 6.0m to 3.048m; and,

ii) to permit the height of the three ground (pylon) signs to be 10.7m (35ft.), 8.53m (28 ft.), and 6.0m (19.6 ft.) instead of the maximum 6.0m.

V.J. Abraham

J.J. Pavelka

BACKGROUND:

The site at 282 Centennial Parkway North is presently vacant but was previously occupied by an automobile dealership which advertised along the street with three ground (pylon) signs. One ground sign exists on the site with two concrete bases remaining in the paved area.

An existing sign on the north boundary will be replaced with a new sign. This sign location was the subject of application A-41/87 to the Committee of Adjustment which was approved on February 19, 1987. This "permitted the relocation of the existing 35 foot high ground sign to be as close as 3.0m to Centennial Parkway instead of the required 6.0m minimum distance away.

Two new signs are proposed on the existing concrete bases. The signs are to be transferred to this subject site from a previous business location.

RESULTS OF CIRCULATION:

The Traffic Division of the Department of Public Works and Traffic has indicated that "it is our understanding that there is a future road widening of 3.048m required on Centennial Parkway at this location. Based on the preliminary plans and the information submitted by the applicant, we have no objection to exempting this proposal from Site Plan Control subject to the condition that no part of the signs is located within 3.048m of the streetline of Centennial Parkway."

The Regional Environment Department has indicated in the attached letter, that they have no comment with respect to grading. It is further noted that there is a future road widening of 3.048m and that no portion of the proposed signs should be located or overhang the future road widening. The proposed signs should therefore be redesigned or the bases relocated to ensure that the proposed signs provide the minimum 3.048 m setback from the existing road allowance limit.

COMMENTS:

The proposed signs will not alter the existing site in parking space locations, landscape area, and will not interfere with designated visibility triangles at access driveways.

In response to the comments from the departments, the applicant has indicated that the signs will not project into the required setback.

A variance is required to reduce the setback from 6.0m (19.6 ft.) to 3.048m (10 ft.) and permit the height of the three ground (pylon) signs to be 10.7m (35ft.), 8.53m (28 ft.), and 6.0m (19.6 ft.) instead of the maximum 6.0m.

Since the proposed signs do not impact the existing site conditions where the sign bases still exist and since other signs in the area vary similarly in height the proposed variances can be supported.

The proposed signs are therefore considered minor in nature and should be exempt from Site Plan Control subject to approval of the variances by the Committee of Adjustment.

CONCLUSION:

In order to expedite this project, the proposed ground (pylon) signs should be exempt from Site Plan Control Procedures as being minor in nature and subject to the approval by the Committee of Adjustment.

jps:signscen.exe(oct10/96)



27	28	28
104	94	54
85	115	114

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

LAKELY

ZONING

Neighbourhood Boundary

Zoning Boundary

0 100m

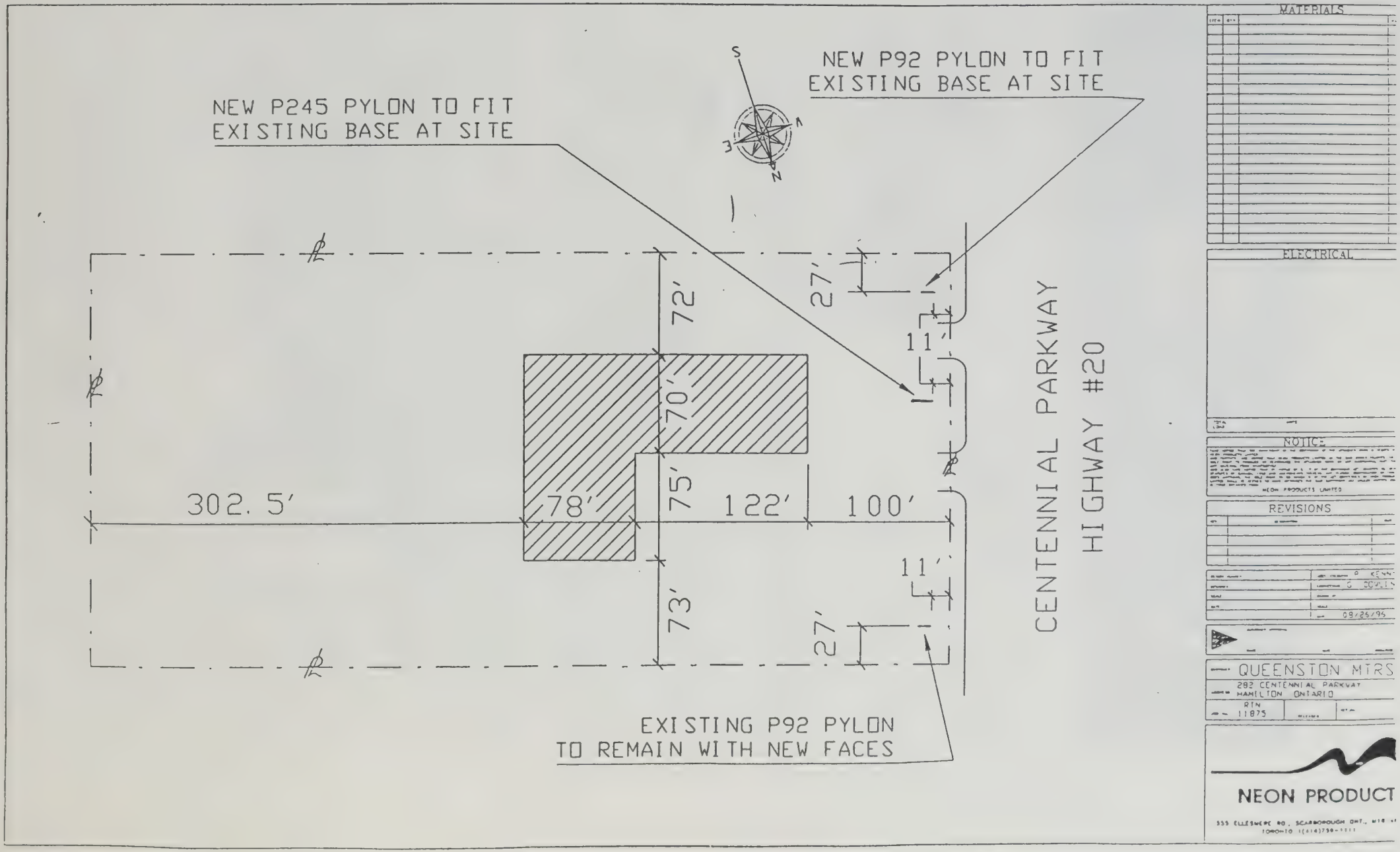
SCALE 50m

NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO. 6410

PAGE NO. 94



MATERIALS

ELECTRICAL

NOTICE

NEON PRODUCTS LIMITED

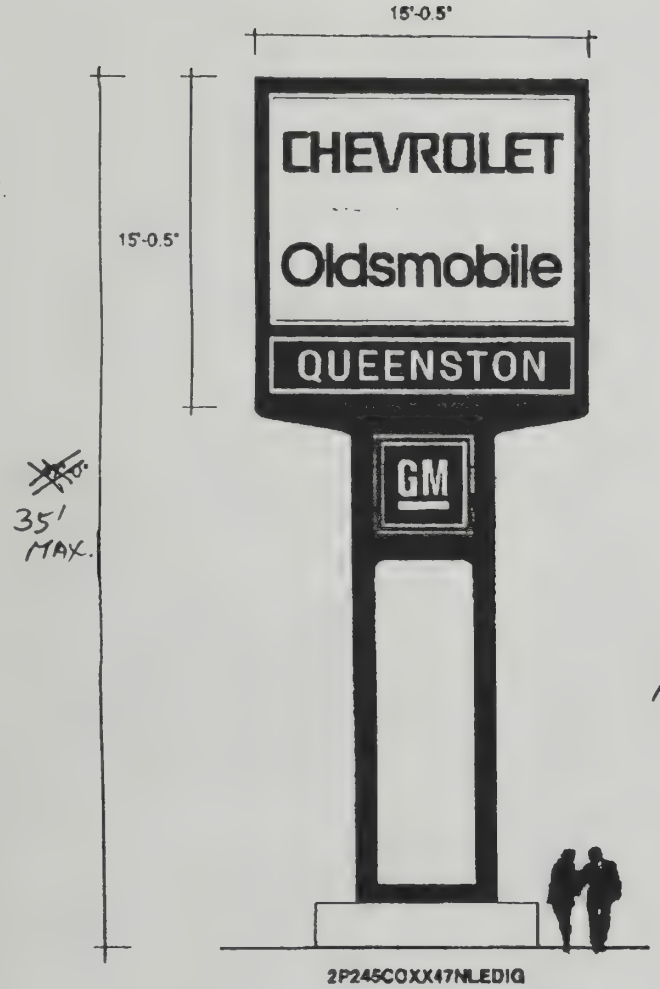
REVISIONS

09/25/95

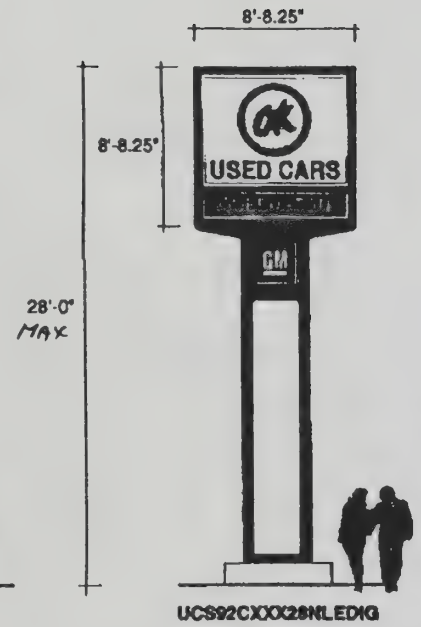
QUEENSTON MTRS
282 CENTENNIAL PARKWAY
HAMILTON ONTARIO
RIN
11875

NEON PRODUCT

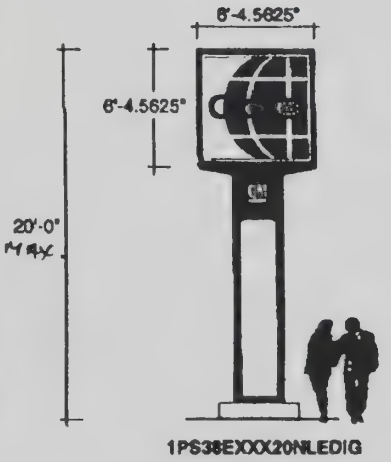
333 ELLESMERE RD., SCARBOROUGH ONT., M1C
TORONTO 1(416)730-



2P245COXX47NLEDIG



UCS92CXXX28NLEDIG



1PS38EXXX20NLEDIG



NOTE : AREA OF SIGNS TO CONFORM TO BYLAW REQUIREMENTS.

PLANNING & DEVELO
LOCAL PLANNING B
File No
Rec'd OCT 03 1996
INIT.
DIR.
P.P. & A.
NEIGH.
DEV.
E. & U.D.
STAFF
CART.
ASSIST.

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

TO: J. Sakala
Senior Landscape Architect
Planning and Development Department

YOUR FILE: 4496

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1200
PHONE: (905) 546-4142

SUBJECT: **Proposed Ground Signs for**
282 Centennial Parkway

DATE: 1996 October 2

Based on the information submitted and as long as the applicant/owner is not intending to modify the existing drainage patterns of the site, we have no comments with respect to grading.

The following comments were received from the Region's Transportation Department, Roads Division.

(1) The designated road allowance width of Centennial Parkway is 36.58 m. In accordance with this designation, the applicant/owner should be advised of a future 3.048 m road widening along the entire frontage of land on Centennial Parkway.

(2) As was also noted in our comments on Committee of Adjustment Application A-87:41, we recommended that no portion of the sign is to be located within 3.048 m of Centennial Parkway. According to the plans submitted, the existing sign bases are 3.35 m from Centennial Parkway. In reviewing the illustrations of the proposed signs, it would appear that portions of the proposed signs will be situated within the 3.048 m future road allowance widening on Centennial Parkway. Therefore we recommend that the sign structures be amended and/or the bases relocated to ensure that all portions of the proposed sign structures, footings, base, etc. are set back a minimum of 3.048 m from the existing road allowance limits of Centennial Parkway. Further, to ensure adequate visibility for motorists entering Centennial Parkway, we recommend that the signs be located a minimum of 3 m from any access to Centennial Parkway.

Cont'd...

Proposed Ground Signs for
282 Centennial Parkway (cont'd)

If there are any queries with respect to the Roads Division comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to grading and drainage issues.

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW/HG

(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 24
S707-58 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: **"GAGLIANO GARDENS ADDITTION", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)**

RECOMMENDATION:

That the City of Hamilton accept the sum of $40,000.00 as a cash payment in lieu of the 5% land dedication in connection with Gagliano Gardens Addition, Hamilton, being the cash payment required under Section 51.1 of the Planning Act.

V. Abraham J.G. Pavelka

cont'd...

"GAGLIANO GARDENS ADDITION", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

"GAGLIANO GARDENS ADDITION", Hamilton

The owner of Gagliano Gardens Addition (Dicenzo Construction Company Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $40,000.00.

The lands of Gagliano Gardens Addition are located north of Rymal Road East between Upper Sherman Avenue and Upper Gage Avenue in the Eleanor Neighbourhood.

The owner is not required to convey any lands from their plan of subdivision for park purposes, since the City of Hamilton has acquired sufficient lands for the Neighbourhood park within the Eleanor Neighbourhood.

ps
encl

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 25
4328

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

P. Noé Johnson
City Solicitor

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearings in support of the Committee of Adjustment decisions to deny Applications No. A-96-174, respecting property located at No. 165 Queenston Road and No. A-96-179, respecting property located at No. 72 Nash Road South.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each for both applications will be required, for one representative from the Planning and Development Department (approximately $250 x 2 = approximately $500) and one from the Law Department (approximately $1,000 x 2 = approximately $2,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

The following Committee of Adjustment applications have recently been appealed to the Ontario Municipal Board.

Application A-96-174 - 165 Queenston Road

At its meeting of August 28, 1996, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit the existing parking area at No. 165 Queenston Road to reduce the manoeuvring space from the required 6.0 m to 5.5 m and to not provide the required 3.0 m planting strip along the rear (north) lot line adjoining a residential district. A date for the Board hearing has not yet been set.

Application A-96-179

At its meeting of September 11, 1996, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit the property at No. 72 Nash Road South to be used for a Home Occupation hairdressing establishment with two hairstyling sinks, whereas the By-law permits a maximum of one hairstyling sink for hairdressing Home Occupations. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearings.

CL-M

C d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 21

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Planning and Development Department
1997 - 2006 Provisional Capital Budget

RECOMMENDATION:

a) That the attached capital projects from the Planning and Development Department be considered for inclusion in the ten year 1997-2006 Provisional Capital Budget; and,

b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

The following is a list of Capital Budget submissions of the Planning and Development Department related to work of the Committee.

In the 1996 Capital Budget process, the Department requested $1,145,000 for the purchase of the properties, but was allocated outside the ten year Capital Budget. Funding was also requested in 1994 and 1995.

The Department is requesting the same amount of funding ($1,145,000) be placed in the Capital Budget for the 1998 and 1999 Capital Budget years.

D. IMPLEMENTATION OF 1996 BEASLEY NEIGHBOURHOOD PLAN

The approved 1996 Beasley Neighbourhood Plan recommends a number of improvements to the neighbourhood including, street tree planting, the creation of attractive urban open spaces, public art, streetscaping improvements and pedestrian enhancements.

$92,700 is requested in 2002 to 2004 in order to undertake this work. This program has not been included in prior Capital Budgets.

E. OTHER CAPITAL BUDGET SUBMISSION

A Capital Budget Submission has been prepared for renovation works to St. Mark's (ranked as Department Priority #1). However, as this relates to a Parks and Recreation use it has been forwarded to that Committee to review.

In addition, a joint submission with the Public Works and Traffic Department has been prepared for **Downtown Pedestrian Friendly Improvements** which will enhance the downtown and help stimulate revitalization. Since many aspects of these improvements would be implemented by the Public Works and Traffic Department, this submission is included in their Current Budget submissions.

CONCLUSION

It is proposed that these submissions be forwarded to Management Team for review and presentation to the Committee of the Whole, for its consideration.

BJ:fd

A. FUTURE OFFICIAL PLAN REVIEW

Similar to the current Official Plan review which is presently ongoing, the future review will encompass changes that have occurred in planning over the previous five years.

This review has been identified to start in the year 2003 and completed in 2005 for a total cost of $250,000. The intent of this Capital Budget Submission is to identify the Planning and Development Department's responsibility to review the Official Plan in accordance with the Planning Act.

Funding for this project was allocated outside the ten year time frame of the 1996 Capital Budget.

B. PROPERTY ACQUISITION PROGRAM - STAPLETON ENCLAVE

Finance and Administration Committee is considering the purchase of 555 Kenilworth Avenue North and possibly the other remaining residential properties in the Stapleton Enclave. The intent would be to eliminate incompatible residential uses which would be sold for industrial use. If the Committee decides not to proceed with this program the funding request will be dropped.

The program would allow for the purchase of 6 residential properties requiring a total budget of 475,000, of which approximately $100,000 is expected to be recovered through the sale of the lands for industrial purposes. It is proposed that the program take 2 years to undertake, beginning in 1997.

This program had been dropped from the Capital Budget in 1992 and, therefore was not included in the 1996 Capital Budget.

B. PROPERTY ACQUISITION PROGRAM - ALPHA EAST ENCLAVE

The Planning and Development Committee, at its meeting of June 24, 1992, adopted the recommendations of the Planning and Development Department:

a) to retain the INDUSTRIAL zoning and designation in the Official Plan; and,
b) abandon the acquisition program with the exception of the remaining eleven properties in the Alpha East Enclave. The properties in Alpha East would be acquired on a willing buyer/willing seller basis.

The aim of the program is to remove incompatible residential properties and then sell the lands for industrial purposes. The residential properties to the west and north (Alpha West) were purchased in the 1980's and sold to industry. In this regard, the Alpha East enclave was most affected by the former acquisition program.

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning and Development Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Official Plan Review
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work
   To review the City's Official Plan to ensure the goals, objectives and policies remain current to the Planning intentions of the City in accordance with the requirements of the Planning Act.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 2 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	yes
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	no
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
The Official Plan provides the City with the overall planning direction for Hamilton. In addition, a five year review of the Official Plan is a legislative requirement of the Province.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) 2003
   (b) COMPLETION DATE (YEAR) 2005
   (c) GROSS COST (Start Year Dollars) $ 250,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 250,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$	- 2002	$
- 1998	$	- 2003	$ 100,000
- 1999	$	- 2004	$ 100,000
- 2000	$	- 2005	$ 50,000
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ n/a
Building Operations & Maintenance $
Other (specify) $

GROSS COST (All Inclusive) $

(b) LESS RECOVERY/REVENUE (specify) $

(c) NET CITY'S COST $

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name **Director of Planning and Development**
(b) Basis of assumptions

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**

No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)

(b) AT CITY'S COST OF $

(c) SCHEDULED TO START IN THE YEAR

This project no. 206 was rated outside the 10 year plan.

J. Graham — SEPT. 12, 1996

Signature of Department Head/ Local Board Manager — *Date*

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning & Development Department / Property Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Property Acquisition Program - Stapleton Enclave
   (b) Type of Project _____
   (c) Location area bounded by Burlington, Kenilworth, Beach, and Stapleton
   (d) Scope/Description of Work Removal of 6 residential properties in the Stapleton Enclave. Acquired land to be sold to industry.

   (e) Remarks The resurrection of Stapleton Acquisition Program resulted from Council's decision to acquire 571 Kenilworth Avenue North. An extension of this acquisition program would see the remaining 5 residential properties within the enclave acquired on a willing seller/willing buyer basis.

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year _____
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 3 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	no
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	no
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
The majority of the properties within this enclave are used for industrial or commercial purposes at the present time. The purchase of the properties would allow the residents of the area to move out of this industrial enclave, thereby improving the quality of life for these residents. Demolition of homes and the sale of these lands for industrial purposes will occur.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) n/a
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) 1997
   (b) COMPLETION DATE (YEAR) 1998
   (c) GROSS COST (Start Year Dollars) $ 475,000
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) estimate of lands recovered from sale of property for industrial use. $ 100,000
   (f) NET CITY'S COST $ 375,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ 275,000	- 2002	$
- 1998	$ 200,000	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ ____
Building Operations & Maintenance $ ____
Other (specify) ____ $ ____

GROSS COST (All Inclusive) $ ____

(b) LESS RECOVERY/REVENUE (specify) ____ $ ____

(c) NET CITY'S COST $ n/a

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name **Directors of Property and Planning and Development**
(b) Basis of assumptions ____

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program) ____

(b) AT CITY'S COST OF $ ____

(c) SCHEDULED TO START IN THE YEAR ____

J Abraham D Wallace - 96-09-12

Signature of Department Head/ Local Board Manager *Date*

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning & Development Department / Property Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Property Acquisition Program-Alpha East Enclave
   (b) Type of Project
   (c) Location Sherman Ave. N. and Imperial St.
   (d) Scope/Description of Work
   Removal of 13 residential properties in Alpha East Enclave. Acquired land to be sold to industry. This is a cost estimate for the existing acquisition program.

   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 4 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	No
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	No
(e)	ECONOMIC DEVELOPMENT	No
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	No
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	No
(h)	GROWTH RELATED PROJECT	No

Describe Justification:
The existing 13 residential uses are surrounded by industrial uses. The purchase of the residential properties would allow the residents of the area to move out of the industrial enclave, thereby, improving their quality of life.

6. **FEASIBILITY STUDY:**

(a)	START DATE (YEAR)	n/a
(b)	COMPLETION DATE (YEAR)	
(c)	GROSS COST	$

7. **PROJECT:**

(a)	START DATE (YEAR)	1998
(b)	COMPLETION DATE (YEAR)	1999
(c)	GROSS COST (Start Year Dollars)	$ 1,300,000
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$
(e)	LESS OTHER RECEIPTS (Specify) estimate of lands recovered from sale of acquired properties	$ 155,000
(f)	NET CITY'S COST	$ 1,145,000

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$	- 2002	$
- 1998	$ 500,000	- 2003	$
- 1999	$ 645,000	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ n/a
Building Operations & Maintenance $
Other (specify) _____ $

GROSS COST (All Inclusive) $

(b) LESS RECOVERY/REVENUE (specify) _____ $

(c) NET CITY'S COST $

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name **Directors of Planning & Development and Property**
(b) Basis of assumptions _____

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**

No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)

(b) AT CITY'S COST OF $

(c) SCHEDULED TO START IN THE YEAR

This project no. 207 was rated outside the 10 year plan.

W. Abraham Cl - 96-09-12

Signature of Department Head/ Local Board Manager *Date*

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning & Development Dept./Dept. of Public Works and Traffic

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Implementation of 1996 Beasley Neigh'd Plan
   (b) Type of Project Enhancing the overall urban aesthetics of this downtown neighbourhood
   (c) Location Beasley: King E; James St; CNR tracks; Wellington St.
   (d) Scope/Description of Work
   a) A street tree planting program for all streets within the neighbourhood; and b) Creating attractive "urban open spaces" at various locations throughout the neighbourhood by incorporating public art, streetscaping improvements and pedestrianisation measures.
   (e) Remarks Both these activities will implement a key objective for this downtown neighbourhood, creating an attractive urban community for for residents, visitors and potential investors.

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year _____
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 5 of 6

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	yes
(b)	HEALTH/SAFETY/ENVIRONMENT	yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	no
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	no
(e)	ECONOMIC DEVELOPMENT	yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	no
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	no
(h)	GROWTH RELATED PROJECT	no

Describe Justification:
An aesthetical and attractive neighbourhood fosters a better image of the City for local residents and potential investors. In particular, this downtown neighbourhood has undergone significant land use changes over the past 25 years and a cohesive and uniform aesthetic improvement program would act as a catalist for further private sector initiatives.

Note: implements Neighbourhood Plan - approved by Council

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) 2002
   (b) COMPLETION DATE (YEAR) 2004
   (c) GROSS COST (Start Year Dollars) $ 92,700
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 92,700

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$	- 2002	$ 30,900
- 1998	$	- 2003	$ 30,900
- 1999	$	- 2004	$ 30,900
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ ____
Building Operations & Maintenance $ 2,000
Other (specify) public works $ ____

GROSS COST (All Inclusive) $ 2,000

(b) LESS RECOVERY/REVENUE (specify) ____ $ ____

(c) NET CITY'S COST $ 2,000

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name **Directors of Planning & Development & Public Works**
(b) Basis of assumptions Cost of tree maintenance is $20 per tree per year; capital expenditure based on recent actual expenditures in similar actions.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program) ____

(b) AT CITY'S COST OF $ ____

(c) SCHEDULED TO START IN THE YEAR ____

J. Graham Sep. 10th 96.

Signature of Department Head *Date*
Local Board Manager

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

Note: all amounts rounded to the nearest thousand dollars

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 30

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner re: Building department Quarterly Report as at 1996 September 30, dated 1996 October 17

(b) Ross & Ross Barristers and Solicitors re: Zoning Bylaws Respecting Homes Occupied by Students in West Hamilton, dated 1996 October 15

(c) Director of Planning and Development re: Planning and Development Department Quarterly Report as at September 30, 1996, dated 1996 October 21

T Brule.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 November 20
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 96-13 and Draft Plan of Subdivision Application 96-02, by 1099689 Ontario Inc. (Micor Developments) owner, for a change in zoning from "AA" District to "C" District for lands located south of Kordun Street and west of Upper Paradise.

2. Zoning Application 96-11, Alfrin Enterprises Corporation (Al Frisina) owner, for a further modification in zoning to the established "C" District for lands located at 73 Garfield Avenue South.

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   City Initiative 96-I, Parking Requirements for Residential Uses in the Downtown (Second Report)

   Submissions:
   a) Mary-Anna McQuade, President, Strathcona Community Council
   b) Jackie Pfander, Secretary, Strathcona Community Council
   c) Dale Brown, Kirkendall Neighbourhood Association
   d) L. Browett, Stinson Community
   e) Richard Gillespie, Beasley Neighbourhood Association
   f) Durand Neighbourhood Association (unsigned)

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 November 20

4. CHIEF ADMINISTRATIVE OFFICER

The Players' Guild of Hamilton Inc.
Land Donation: Ray Street and Jackson Street

5. CONSENT AGENDA

6. PRIVATE AND CONFIDENTIAL AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZAC-93-42 : Rear of 1094 Upper Sherman Avenue, By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
3.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
4.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
5.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
6.	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
7.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
8.	City Initiative- Parking Requirements for Residential Uses in the Downtown	1996 October 2	Staff to get input from Business in CBD and Various Associations	Tabled to meeting of 1996 November 6
9.	Correspondence from J. Ross re: Homes occupied by Students in West Hamilton	1996 October 23	Planning, Building, and Law department staff to review and prepare a Report	Report Forthcoming
10.	Illegal Mobile Signs	1996 October 23	Planning, Building, Law, and Transportation/Environment Depts.to draft report on a) plan for removal of illegal mobile signs and, b) allow for strict penalties in Streets By-Law	Report Forthcoming
11.	Rendering plants	1996 October 23	Public meeting to be held and performance standards to be established	Report Forthcoming
	Downtown Charette	1996 October 23	Planning Department to review and prepare a report	Report Forthcoming
13.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
14.	Wesley Urban Ministries: Zoning for "Drop -In" Centres	1996 November 6	Referred to Plannning Staff for report	Report Forthcoming
15.	Barton Street Revitalization- Streetscaping and Hydro Wires	1996 November 6	Tabled pending further information	Revised report forthcoming

1996 November 12

1.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 5 1996

DATE: 1996 November 14
ZAC-96-13 & SAC-96-02
Falkirk West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Lands located south of Kordun Street and west of Upper Paradise Road.

RECOMMENDATION:

(a) That approval be given to Subdivision Application 96-03 (Regional File No. 25T-96006), **1099689 Ontario Inc. (Micor Developments), owner,** to establish a draft plan of subdivision "Bayview Glen Estates - Phase II", for lands located south of Kordun Street and west of Upper Paradise Road, comprising of 73 lots for single detached dwellings, a block for parkland, and to establish 5 local streets, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Wellington Consultants and certified by S.D. McLaren, O.L.S., dated August 30, 1996, showing 73 lots for single detached dwellings, and to establish 5 local streets (see attached APPENDIX "B");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That the lot lines for Lots 53, 54, and 55 be modified, to the satisfaction of the Manager of Traffic Planning to avoid the potential overlapping of driveways within the road allowance;

(viii) That the Owner dedicate Block "A" to the City of Hamilton for park purposes;

(ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(x) That the Owner provide fencing along the westerly limits of Lots 36 - 39 inclusive and Lots 50 to 53 inclusive adjacent to the Tiffany Creek Environmentally Sensitive Area and along the southerly limits of Lots 53 - 58 inclusive adjacent to Block "A", that being the future neighbourhood park;

(xi) That the owner convey all lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton by deed.

(xii) That the owner show 0.30m reserves at the east limit of Street "B" and the south limit of Street "D" as separate Blocks on the Final Plan, to be conveyed to the City by deed.

(xiii) That Street "A" must align centreline to centreline with Juliebeth Drive, as established by Plan 62M-517

(xiv) That Lots 63 to 73 inclusive not be developed until the adjacent lands to the south are registered or alternatively, the owner acquire the necessary lands to establish and construct the adjacent road to its full width.

(xv) That the curvilinear road pattern as provided in the Approved Falkirk West Neighbourhood Plan be established to the satisfaction of the Regional Roads Department and the City of Hamilton Public Works and Traffic Department.

(xvi) That 9m radius transitions into and out of the 15m radius cul-de-sacs be established on the Final Plan of Subdivision.

(xvii) That the road allowance of Street "B" be shown as 20.0m on the Final Plan of Subdivision.

(xviii) That the stormwater management facility be established prior to development of any portion of these lands, known as "Bayview Glen Estates - Phase 2"

(xix) That the owner submit a report to the satisfaction of the Regional Environment Department outlining the size, location, timing and cost of the proposed stormwater management facility, prior to development of any of these lands.

(xx) That the owner acquire the necessary lands and construct the stormwater management facility, or enter into an agreement with the benefitting owner of the adjacent lands to the south ("Paradise Green"), addressing a cost-sharing arrangement and outlining details with respect to timing and construction, prior to registration of the Final Plan for "Bayview Glen Estates - Phase 2".

(xxi) That the owner submit a sediment and erosion control plan to the satisfaction of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

a) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) That the owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Regional Environment Department;

c) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(xxii) That the proposed stormwater management facility be maintained by the owner up to and including one (1) year after the final building has been constructed, prior to being owned outright by the City.

(xxiii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96006), 1099689 Ontario Inc. (Micor Developments), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to amended Zoning Application ZAC-96-13, **1099689 Ontario Inc. (Micor Developments), owner,** for a change in zoning from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District for lands located south of Kordun Street and west of Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;

(ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services servicing the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-9B be notated S - ;

(iv) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning for property located west of Upper Paradise Road and south of Kordun Street, from "AA" (Agricultural) District "C" - 'H' (Urban Protected Residential, etc. - Holding) District, as shown on the attached key map.

The effect of the By-law is to permit the development of the subject lands, upon removal of the holding provision, for 73 single detached dwellings in accordance with the proposed draft plan of subdivision "Bayview Glen Estates - Phase II".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

1099689 Ontario Inc. (Micor Developments), owner.

Agent:

Wellington Consultants.

Surveyor:

S.D. McLaren, O.L.S.

Location:

The lands are located south of Kordun Street and west of Upper Paradise Road, in the Falkirk West Neighbourhood (see APPENDIX "A").

Lot size and area:

The subject property is irregular in shape and has:

- a maximum width of 203.627 m;
- a maximum depth of 261.649 m; and
- 4.46 ha (11.03 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	One single detached dwelling and vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Single Detached Dwellings	"AA" (Agricultural) District
to the south	Single Detached Dwellings and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands	N/A (located in the Town of Ancaster)

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 73 lots for single detached dwellings, a block for parkland purposes, and to construct five public highways (see attached APPENDIX "B").

The proposed draft plan has been red-lined revised such that the lot lines for lots 53, 54, and 55 to avoid the potential overlapping of driveways within the road allowance.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

Official Plan:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double Residential" and "Park and Recreation" in the approved Falkirk West Neighbourhood Plan. The proposal complies with the neighbourhood plan.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. The proposed "C" zone requires each lot to have a minimum lot width of 12.0 m and a minimum lot area of 360 m^2 for single family dwelling lots.

  2. All residential lots shall have frontage onto a public highway as per Section 4(3)(b)."

- The Regional Environment Department, has advised that:

  "We have the following comments and recommendations with respect to the above noted development submitted by the Regional Environment Department on October 3, 1996.

  FOR INFORMATION

  1) Comments from the Town of Ancaster should be considered as the approval of this subdivision will preclude the development of any lands within the Town of Ancaster from the internal road system or servicing within the City of Hamilton.

  2) Based on the approved size and location of the stormwater management facility, the "Park" area allocated on the draft plan may require revision.

3) The Approved Falkirk West Neighbourhood Plan indicates a north-south curvilinear roadway within the "Paradise Green" plan of subdivision. As was noted in the previous Roads Department comments on the neighbourhood plan, the centreline radius of the reverse curve must be increased. Depending on the final road design, the geometrics of this curve may extend into "Bayview Glen Estates - Phase 2".

RECOMMENDATIONS

1) That the owner convey all lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton by deed.

2) That the owner show 0.30m reserves at the east limit of Street "B" and the south limit of Street "D" as separate Blocks on the Final Plan, to be conveyed to the City by deed.

3) That Street "A" must align centreline to centreline with Juliebeth Drive, as established by Plan 62M-517

4) That Lots 63 to 73 inclusive not be developed until the adjacent lands to the south are registered or alternatively, the owner acquire the necessary lands to establish and construct the adjacent road to its full width.

5) That the curvilinear road pattern as provided in the Approved Falkirk West Neighbourhood Plan be established to the satisfaction of the Regional Roads Department and the City of Hamilton Public Works and Traffic Department.

6) That 9m radius transitions into and out of the 15m radius cul-de-sacs be established on the Final Plan of Subdivision.

7) That the road allowance of Street "B" be shown as 20.0m on the Final Plan of Subdivision.

8) That the stormwater management facility be established prior to development of any portion of these lands, known as "Bayview Glen Estates - Phase 2"

9) That the owner submit a report to the satisfaction of the Regional Environment Department outlining the size, location, timing and cost of the proposed stormwater management facility, prior to development of any of these lands.

10) That the owner acquire the necessary lands and construct the stormwater management facility, or enter into an agreement with the benefitting owner of the

adjacent lands to the south ("Paradise Green"), addressing a cost-sharing arrangement and outlining details with respect to timing and construction, prior to registration of the Final Plan for "Bayview Glen Estates - Phase 2".

11) That the owner submit a sediment and erosion control plan to the satisfaction of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

    a) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

    b) That the owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Regional Environment Department;

    c) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

    d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

12) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

13) That the proposed stormwater management facility be maintained by the owner up to and including one (1) year after the final building has been constructed, prior to being owned outright by the City.

The submitted plan prepared by S.D. McLaren, O.L.S. dated July 16, 1996 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Regional Environment Department, Planning Division advised that the subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan. The proposal complies with the H.W.O.P. In addition, the following comments were provided:

"The subject lands are identified as "Urban Area" and "Environmentally Significant Area (ESA) No. 46 - Tiffany Creek Headwaters", in the Hamilton-Wentworth Official Plan

(H.W.O.P.). The proposal conforms to the H.W.O.P.

In addition, since the lands include the Tiffany Creek Wetland Complex (Provincially Significant Wetland) and the above noted ESA, the proposal was reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG - File No. EIS 95.17).

On January 10, 1996, ESAIEG accepted the "Falkirk West Wetland Environmental Impact Study (EIS) dated July 21,1995, along with Addendum Nos. 2 dated October 10, 1995, and 3 dated January 4, 1996, to the EIS; concerning the proposed development.

Therefore, approval of the proposed plan of subdivision should be conditional upon the appropriate recommendations of the above noted EIS".

- The Treasury Department has advised as of October 8, 1996, that Realty Tax were in arrears for the subject lands.

- The Traffic Division, Department of Public Works and Traffic has advised that:

"The application for a change in zoning to permit the urban protected residential development is satisfactory. With reference to the subdivision application, we recommend that the lot lines for lots 53, 54, and 55 be modified, as shown on the attached plan, to avoid the potential overlapping of driveways within the road allowance."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Falkirk West Neighbourhood Plan; and,

   ii) it would be compatible with existing and future planned residential uses.

3. The Town of Ancaster was consulted during the preparation of the Falkirk West Neighbourhood Plan. The Town of Ancaster advised that the adjacent lands are located within the Ancaster urban area but that the lands adjacent to the proposed plan of subdivision are within the ESA designation.

4. The subject lands cannot be developed until such time as servicing is available from the adjacent lands from the south. In this regard, the Regional Environment Department, Development Division (Roads Department) has advised that since the lands between this development and Upper Paradise Road are not owned by the developer, the subject lands

should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as the services can be extended though the abutting lands to service the proposed development. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the By-law once the condition is fulfilled.

5. The subject lands abut the Tiffany Creek Wetland Complex which is an environmentally sensitive area. As part of the background preparation for the Falkirk West Neighbourhood Plan, an environmental impact statement (EIS) was prepared. The EIS was approved subject to the implementation of the recommendations of the EIS. With respect to the proposed plan of subdivision and rezoning, the EIS requires that the property lines should be fenced where lots abut the Tiffany Creek wetland. In addition, in accordance with the standard requirements of the City, Region and HRCA, the proponent will be required to prepare a storm water management plan for the subject lands in keeping with the recommendations of the EIS.

6. The Building Department has advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law. As a condition of draft plan approval, the applicant will be required to submit a surveyor's certificate demonstrating compliance with the applicable provisions of the Zoning By-law conformity.

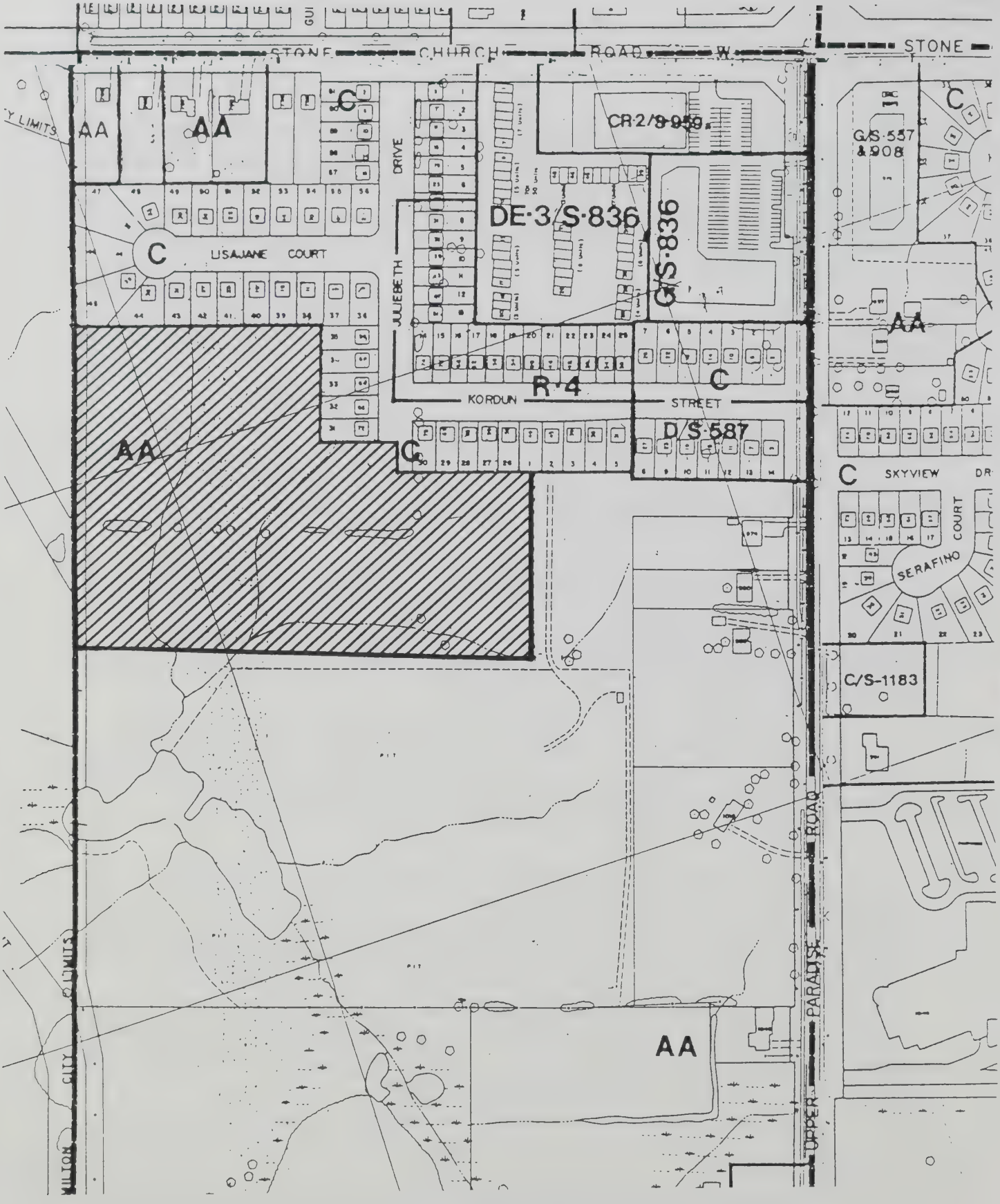
7. The approved Falkirk West Neighbourhood Plan identifies two parkland sites and interconnecting open space trail to the south of the proposed draft plan of subdivision. As a condition of draft plan approval, the applicant will be required to dedicate Block "A" be dedicated to the City of Hamilton for parkland purposes.

8. The approved Falkirk West Neighbourhood Plan indicates a north-south curvilinear roadway within the proposed "Paradise Green" plan of subdivision. To date, no formal application has been made for the "Paradise Green" plan of subdivision, although a preconsultation meeting was held. The Roads Department has reiterated their comments on the neighbourhood plan that the centreline radius of the reverse curve must be increased. Depending on the final road design, the geometrics of his curve may extend into "Bayview Glen Estates - Phase 2". In this regard, the centreline of the roads in the "Paradise Green" subdivision will be required to align with the centreline of the road network in the "Bayview Glen Estates" subdivision.

CONCLUSION:

Based on the foregoing, the applications can be supported.

SR/sr
ZA-96-13.RPT

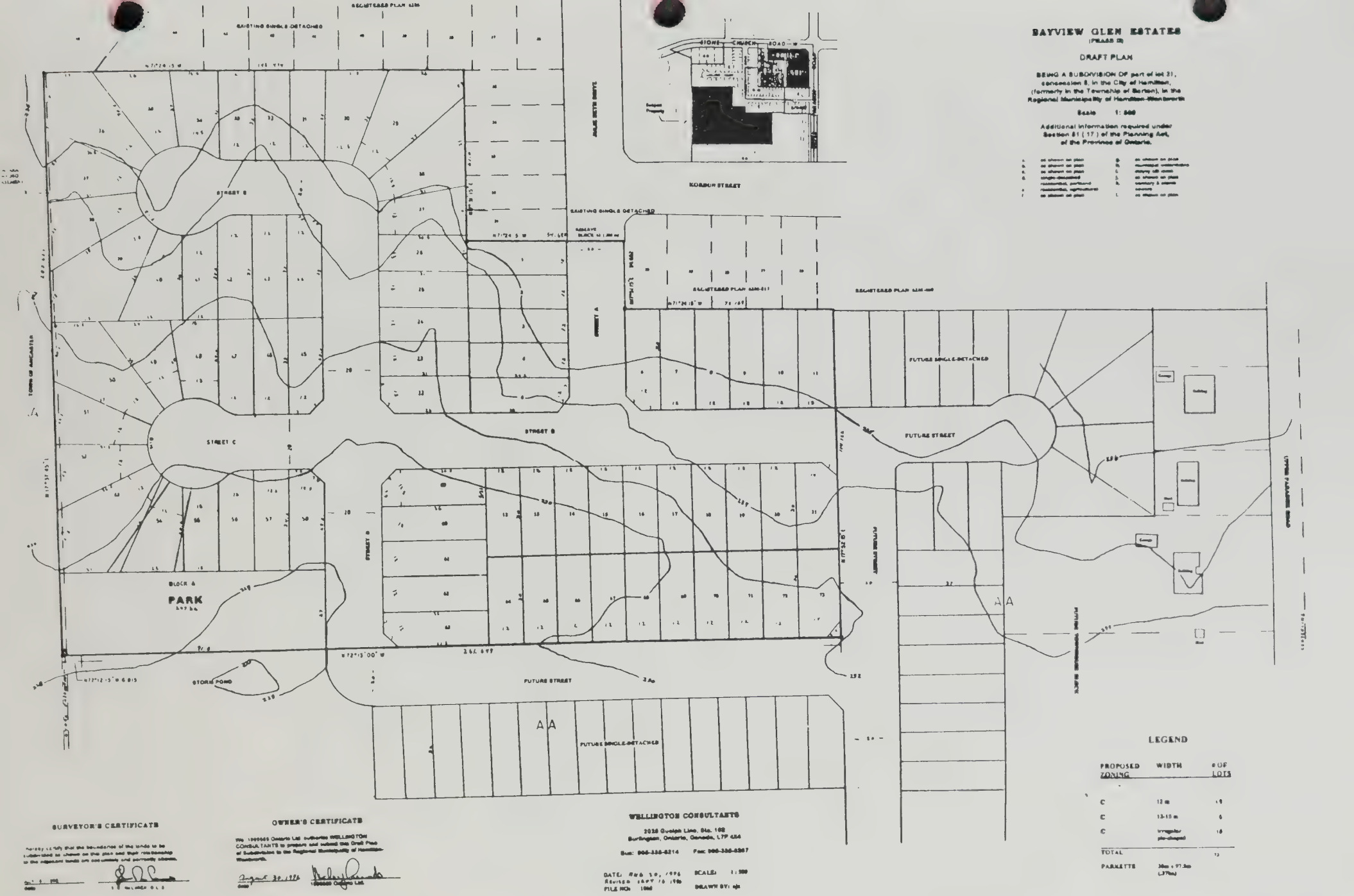


Legend

Site of the Application

ZAC-96-13
SAC-96-02

APPENDIX "A"


BAYVIEW GLEN ESTATES
DRAFT PLAN
BEING A SUBDIVISION OF part of lot 31, concession 3, in the City of Hamilton, (formerly in the Township of Barton), in the Regional Municipality of Hamilton-Wentworth
Scale 1: 500
Additional information required under Section 51 (17) of the Planning Act, of the Province of Ontario.
KOMOKA STREET
STREET B
STREET C
STREET A
EXISTING SINGLE DETACHED
FUTURE SINGLE-DETACHED
FUTURE STREET
BLOCK 6
PARK
STORM POND
LEGEND
PROPOSED ZONING
WIDTH
OF LOTS
TOTAL
PARKETTE
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
WELLINGTON CONSULTANTS
2035 Guelph Line, Sta. 102
Burlington, Ontario, Canada, L7P 4X4
SCALE: 1:500
DRAWN BY: ajc

APPENDIX "B"

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 12
ZAC-96-11
Stipeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in Zoning
73 Garfield Avenue South

RECOMMENDATION:

That Zoning Application 96-11, Alfrin Enterprises Corporation (Al Frisina), owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District for lands located at 73 Garfield Avenue South, to permit a residential care facility for 50 residents, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

(i) The proposal represents an over intensification of the site in that a residential care facility with a maximum capacity of 6 residents is permitted as-of-right in the "C" District. The proposed capacity is 8.33 times higher than the maximum number of residents permitted in the "C" District. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximate a family housing arrangement.

(ii) It conflicts with intent and purpose of the By-law in that there are three (3) other facilities within 180 m of the site.

(iii) It conflicts with the intent of the Official Plan in that the proposal does not provide adequate on-site parking and does not provide any associated on-site loading/garbage storage area to service the use;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The proposal is for a further modification to the established "C" District to permit conversion of the existing building for use as a 50 bed residential care facility.

Zoning Application 90-28

At its meeting of May 23, 1990, the Planning and Development Committee recommended denial of Zoning Application 90-28, as submitted, to permit the conversion of the existing building to eighteen residential units. The Committee also denied the amended application to permit the conversion of the existing building to 14 condominium or apartment units. City Council, at its meeting of May 23, 1990, adopted the recommendations of the Committee.

Zoning Application 90-60

City Council, at its meeting of October 30, 1990, denied Zoning Application 90-60. The application was for a modification in zoning to permit the conversion of the existing building to fourteen dwelling units (apartments of condominiums). The application was denied on the basis that it conflicted with the position of City Council, adopted on May 29, 1990, to deny the conversion of the building to eighteen dwelling units and to deny an amended application to permit fourteen units.

Ontario Municipal Board Hearing

The denial of Zoning Application 90-60 was appealed to the Ontario Municipal Board (OMB). The OMB, by way of an order dated November 10, 1992, approved the conversion of the building for a maximum of 10 units subject to the following conditions:

1) That the City and the developer have entered into a site plan agreement regarding parking; and,

2) That the City and the developer enter into an encroachment agreement.

The applicant has entered into a site plan agreement and encroachment agreement with the City. However, it is noted that the site was never redeveloped for that purpose.

Applicant:

Alfrin Enterprise Corporation, owner.

Lot Size and Area:

The subject lands have:

- a frontage of 30.48 m (100 ft) along Garfield Avenue South;
- a depth of 30.48 m (100 ft); and,
- an area of 940 m^2 (10,000 sq.ft.).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant 2 storey building	"C" (Urban Protected Residential, etc.) District, modified
Surrounding Land Use		
to the north, south, east and west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal conflicts with the intent of the Official Plan in that it represents an over intensification of the subject lands. Specifically, the proposal does not provide adequate on site parking nor does the proposal provide suitable amenity areas for the residents.

Neighbourhood Plan:

The subject lands are located in the Stipley Neighbourhood and are designated "Single & Double" Residential in the approved Neighbourhood Plan.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department, Development Division advised:

  "For your information and as per our previous comments related to this property, zoning application ZA-90-60, the sewer system in this area is sub-standard. However, as the previous zoning change was for 14 residential units (35 individuals/unit), and this application is for 48 senior's apartments (50 beds), there will be no notable increase in density, and therefore as previously indicated, we do not anticipate any significant impact on the system.

  The following comments have been received from the Region's Transportation Department, Roads Division.

  (1) According to our records, the alley to the rear of the subject lands is public unassumed. Therefore the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley.

  (2) According to our records the applicant has entered into an encroachment agreement with the City of Hamilton for the existing steps and retaining wall within the Garfield Avenue South road allowance. This agreement was registered as Instrument No. 149223 on March 24, 1993.

  (3) We recommend that any visual barriers be set back a minimum of 3.0 m from the Garfield Avenue South road allowance limits and the limits of the public unassumed alley to provide some motorist visibility entering the alley and the street from this property and adjacent lands."

- The Department of Public Works, Traffic Division advised that:

  "The information provided by the Building Department indicates that the proposed development falls within the definition of a residential care facility which will require 17 parking spaces for the proposed total of 50 beds.

  The information provided in the application indicates that a common dining area will be provided. We anticipate that the provision of meals for the proposed number of residents will necessitate the provision of loading and garbage facilities. The submitted plan does not include loading or garbage facilities.

Our review of the submitted plan indicates that all the parking spaces shown are substandard in size and that a number of the dimensions shown on the plan are incorrect. We recommend that any further submissions include loading and garbage facilities and that the plan be modified to provide parking spaces that meet by-law requirements.

The proposal, as submitted, will require a significant reduction in the required parking which may result in spillover of parking into the adjacent residential area. In addition, the nature of the proposed development will generate an increase in truck traffic in the area which will be required to access the site from the alley at the rear of the property.

Considering the potential negative impact on the adjacent residential area, we cannot support an application to further modify the zoning to permit the proposed development."

- The Building Department has advised that:

"1. The application indicates lodging home for forty-eight (48) senior residents, but the attached plan indicates twelve (12) beds per each floor, plus two (2) beds in the basement for a total of fifty (50).

2. A lodging house in not permitted in a "C" District and a lodging (house) as defined must not have bathrooms and/or kitchen facilities for the exclusive use of the individual occupants.

3. The proposal would be considered a Residential Care Facility, however, the "C" District permits a maximum of six (6) residents.

4. The special requirements of the present zoning are applicable.

5. A residential care facility for a maximum of fifty (50) persons requires a minimum of seventeen (17) parking spaces."

- The Treasury Department advised the property was registered with a Tax Lien on May 24, 1996 and that as of August 29, 1996, there were outstanding taxes and penalties for the subject lands.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan.

2. The application cannot be supported for the following reasons:

   - The proposal represents an over intensification of the site in that a residential care facility with a maximum capacity of 6 residents is permitted as-of-right in the "C" District. The proposed capacity is 8.33 times higher than the maximum number

of residents permitted in the "C" District. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.

- Based on Building Department records, there are 3 existing residential care facilities within 180 m of the subject lands whereas the provisions of the Zoning By-law requires that residential care facilities have a minimum 180 m radial distance separation to avoid an over-concentration of these uses.

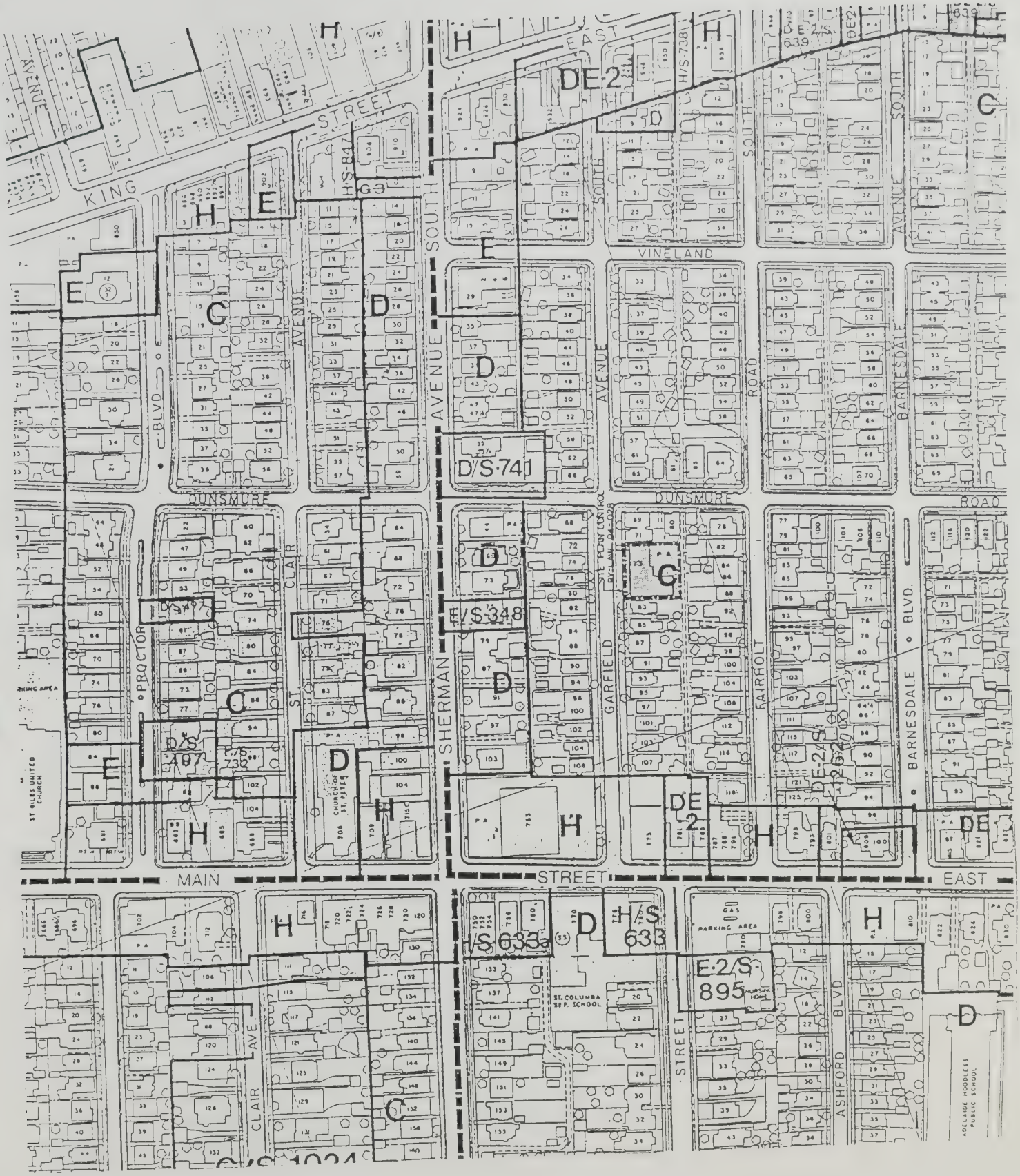
- It conflicts with the intent of the Official Plan in that the proposal does not provide adequate amenity area for the residents and adequate on-site parking in that 17 spaces are required to be provided whereas none of the on-site spaces comply with the minimum size requirements of the Zoning By-law (ie 2.7m x 6.0m and 2.5m x 6.7m for parallel parking spaces) and that the proposal would not provide for a on-site loading area and garbage storage area;

- It conflicts with the approved Neighbourhood Plan which designates the subject lands as "Single and Double" Residential;

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

SR/sr
ZAC96-11.rpt



Legend

Site of the Application

ZAC-96-11

APPENDIX "A"

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 October 30
(CI 96-I)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City Initiative - Parking Requirements for Residential Uses in the Downtown

SECOND REPORT

RECOMMENDATION:

That approval be given to amended City Initiative 96-I respecting the elimination of the parking requirement for residential uses for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street, as shown on the attached map marked as APPENDIX "A", for a period not to exceed three years, on the following basis:

(i) That the regulations as contained in Section 18A - PARKING AND LOADING REQUIREMENTS of Zoning by-law No. 6593, be modified to eliminate the parking requirement for residential uses, for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street for a three year period, as follows:

(1) that Zoning By-law No. 6593 be amended by including a new Schedule "K" - Downtown Residential Parking Area;

(2) that Zoning By-law No. 6593 be amended by adding a new Section 18A.(42) as follows:

> "Except for residential care facilities and short term care facilities, where residential uses mentioned in paragraph 1 of Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for the period between November 1, 1996 and September 1, 1999."

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(iii) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On August 27, 1996, City Council directed that the Planning and Development Department to eliminate required parking for residential development in **AREA "A"** on Schedule "I" of Zoning By-law No. 6593, and reduce to 0.5 spaces for each class "A" dwelling unit in the area defined by **AREA "B"** (see APPENDIX "B").

At its meeting of October 3, 1996, the Planning and Development Committee tabled an amended City Initiative to eliminate the parking for residential development in a smaller area (Cannon, Wellington, Hunter and Queen Streets) than what was originally proposed. Concern was expressed by representatives from the surrounding neighbourhoods of potential spill over parking. Accordingly, it was tabled for a month to meet with the neighbour representatives and downtown merchants.

On October 28, 1996, staff met with representatives from Beasley, Corktown, Durand, Kirkendall and Stinson neighbourhoods.

- Durand Neighbourhood Association supports the initiative, as amended;

- Corktown, Stinson and Beasley would like to maintain the status quo and deal with the reduction in parking on a site by site basis. However, the Corktown representative identified a few blocks that could be removed from the revised parking boundary; and,

- Kirkendall Neighbourhood Association expressed some concern with spill over parking but recognized the parking boundary does not directly apply to them.

OTHER DOWNTOWN INITIATIVES

- **GHDCDC**

The Greater Hamilton Downtown Community Development Corporation (GHDCDC) was created to establish downtown Hamilton as the economic, cultural, social and institutional centre of the Region.

With respect to residential development, the Goals and Objectives of the GHDCDC include the following:

"3. Assist and encourage investment and development in the downtown through actions such as:

- encourage new residential development in the downtown;..."

The focus area for the Community Development Corporation is shown on APPENDIX "A".

- **Mayor's Task Force on Downtown Issues and Renewal**

Given the concern over the condition of the downtown and Regional centre, the Mayor and the Downtown Task Force developed 29 initiatives aimed at revitalizing the area. At its meeting of April 6, 1994, the Planning and Development Committee approved the initiatives, including the following:

"2. That residential complexes be encouraged in all parts of the CBD - including upscale projects east of James."

PLANNING DOCUMENTS THAT AFFECT THE DOWNTOWN

- Official Plan

The following policies are directly applicable to the above stated initiative:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary permitted uses in the CENTRAL POLICY AREA..., will be for the following reasons:

i) **... mixed commercial residential uses,...**

ii) **Residential uses of various housing types,** including but not limited to, single-family detached, semi detached, townhouses and apartments,...

In addition, the CBD is located within Special Policy Area 3:

"A.2.9.3.1 **The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown.** Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.2(ii);

i) It is the intent of Council to **strengthen the Residential function of this AREA** to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Council will **encourage mixed Commercial/Residential developments or redevelopments** within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2.;

- Central Area Plan

There are several Policies in the Central Area Plan that support the downtown initiatives. They include:

"4.1.1 To maintain and enhance the Downtown core,..., as a regional centre, a mix of uses will be encouraged. These uses are as follows:

ii) **Residential development for all levels of income, including mixed uses commercial/residential buildings;**

4.1.7 **Residential development will be actively encouraged** through actions taken by Council which may include special incentives, and land acquisition program as may be determined by special studies.

- Zoning by-law

For multiple dwellings, the parking requirement within Area "A" is 0.8 space per Class "A" dwelling unit and 1.0 space per Class "A" dwelling unit within Area "B" to the Zoning By-law (see APPENDIX "B"). The parking requirements for other residential uses is the same throughout the City.

Comparatively, parking for Commercial, Public and Institutional uses is not required within Area "A" and reduced (50%) within Area "B" (see APPENDIX "A").

- Vision 2020 - Sustainable Development

With respect to **Our Communities** (ie. land use), the goals of Vision 2020 include:

- **To encourage only that development which makes efficient, and economical use of infrastructure and services.**
- **To encourage redevelopment of Hamilton's central core as the regional centre.**
- **To reduce commuting distances.**

Furthermore, strategies include:

- **Develop in cooperation with the Area Municipalities, an initiative to encourage increased residential development above commercial strips along transit corridors.**

ACCESSIBILITY TO TRANSIT AND PARKING

The subject area has access to a high level of transit service, and is readily accessible from both public and private parking lots.

With respect to the availability of parking, staff undertook an inventory of parking lots in the CBD as part of a study in 1994 respecting the parking standards for commercial development in the CBD. The findings are summarized as follows:

	No. of Lots	No. of Spaces
Public Parking	22	3,563
Private Parking	68	7,368
TOTAL	90	10,931

The inventory was carried out during normal business hours, and it was observed that approximately 1/2 of the available spaces were utilized.

PARKING POLICY TRENDS

A parking survey of ten (10) major cities across Canada was undertaken to determine if residential development was permitted in their CBD's, and what the parking requirements were (see APPENDIX "C").

> Four (4) of the ten (10) respondents (Halifax, London, Regina and St. John's) have no parking requirement for residential development in the CBD. Two (2) other cities (Winnipeg and Vancouver) have no parking requirement or reduced standards for Historic buildings and/or districts.
>
> The remaining four (4) cities (Calgary, Montreal, Ottawa and Thunder Bay) have requirements ranging from a minimum of 0.5 space/unit to a maximum of 2.0 space/unit.
>
> Two of the cities (London and Regina) have recently undertaken initiatives to promote the revitalization of their CBD's. Among other actions, the elimination of required parking for residential development was adopted.

Based on the findings of our survey, it would appear that current parking policy trends are intended to reduce parking requirements for residential uses within CBD's, and to promote public transit usage. This is further substantiated by the following excerpt from the report **"PARKING IN DOWNTOWN ONTARIO"**, printed by Ontario Downtown in 1989:

> "...The major policy trend today is to reduce the amount of parking required for new downtown development. This may be to attract new developments and to achieve a more compact land use in the centre.
>
> Many mid and large-sized municipalities, which have parking requirements in their zoning by-laws pertaining to downtown, have reduced the standards for the downtown or have provided for greater flexibility in the amount or type of parking..."

Regardless of whether or not there is a parking requirement for this area, it has been our experience that developers will provide parking to satisfy market conditions.

COMMENTS:

1) As noted, the Planning and Development Department was directed to undertake an initiative to eliminate required parking for residential development in **AREA "A"** on Schedule "I" of Zoning By-law No. 6593, and reduce to 0.5 spaces for each class "A" dwelling unit in the area defined by **AREA "B"** (see APPENDIX "B").

However, there is a concern that the proposed parking reduction for **AREA "B"**, in particular, would have a negative impact on the surrounding residential neighbourhoods, which already face parking problems. In many of these neighbourhoods, on-street parking is already at capacity; thereby, potentially worsening an existing situation.

In addition, concern has been expressed by the public about eliminating the parking requirement for the James Street South area (**AREA "A"**). Due to the higher density zoning in that area, the impact of residential development without the provision of parking, would have spill over effects into the adjacent residential areas.

Based on the above concerns, it is recommended the proposed boundaries for parking reductions/elimination be changed as follows:

- to leave the existing parking requirements for residential uses in **AREA "B"** unchanged; and,

- to reduce the boundaries of **AREA "A"** to include only that area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street. In that area, no parking spaces would be required for residential uses, with the exception of short term care and residential care facilities;

for the following reasons:

- the new **AREA "A"** is a better reflection of the downtown core;

- the residential neighbourhoods adjacent to the downtown will be required to provide the full parking requirement thereby reducing any impact on these areas from on-street parking.

As a result of the meeting with the neighbourhood representatives, the boundaries of **AREA "A"** were modified to remove some residential blocks from the parking boundary.

2) From a Planning perspective, elimination of required parking for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street is worthy of consideration, in that:

- it is consistent with the thrust of current planning policy to **"strengthen the residential function of this AREA"** (Official Plan Policy 2.9.3.1 i)); and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Plan policy 4.1.7);

- the area has access to a high level of transit service;

- there is an abundant supply of public and private parking lots; and

- regardless of whether or not there is a parking requirement for this area, developers will provide parking to satisfy market conditions.

2) Considering that residential care facilities and short-term care facilities are residential uses under the Zoning by-law, and are subject to capacity and a minimum radial separation distance requirement, it would be appropriate to exclude them from this initiative.

3) This city initiative is the third in a series of recent initiatives aimed at stimulating residential development in the downtown:

- On March 12, 1996, City Council passed By-law No. 96-034 respecting parking standards for residential conversions in the Central Business District. The effect of the by-law is to allow **existing non-residential buildings** (or portions thereof) within the Central Business District to be converted to residential use without providing the required parking.

- On June 25, 1996, Council approved a City Initiative respecting residential development in the CBD. More specifically, the proposal is to eliminate the minimum floor area requirement of $65m^2$ per dwelling unit for multiple dwellings. The effect is to allow multiple dwellings to have the same maximum g.f.a. ratio (ie. 11x lot area) as other permitted uses in the "I" (Central Business District).

4) The by-law is proposed to be in place for a three year period. Since other Departments may have concerns with such an initiative, it is suggested that new development could be monitored on an on-going basis to evaluate potential impacts.The effectiveness of the by-law could be reviewed at the end of the three years and, if appropriate, could be extended for another three year period or permanently.

5) This report was prepared in conjunction with the Building Department, the Traffic Division and the Roads Department. The Traffic Division has advised they are opposed to this city initiative (see APPENDIX "D").

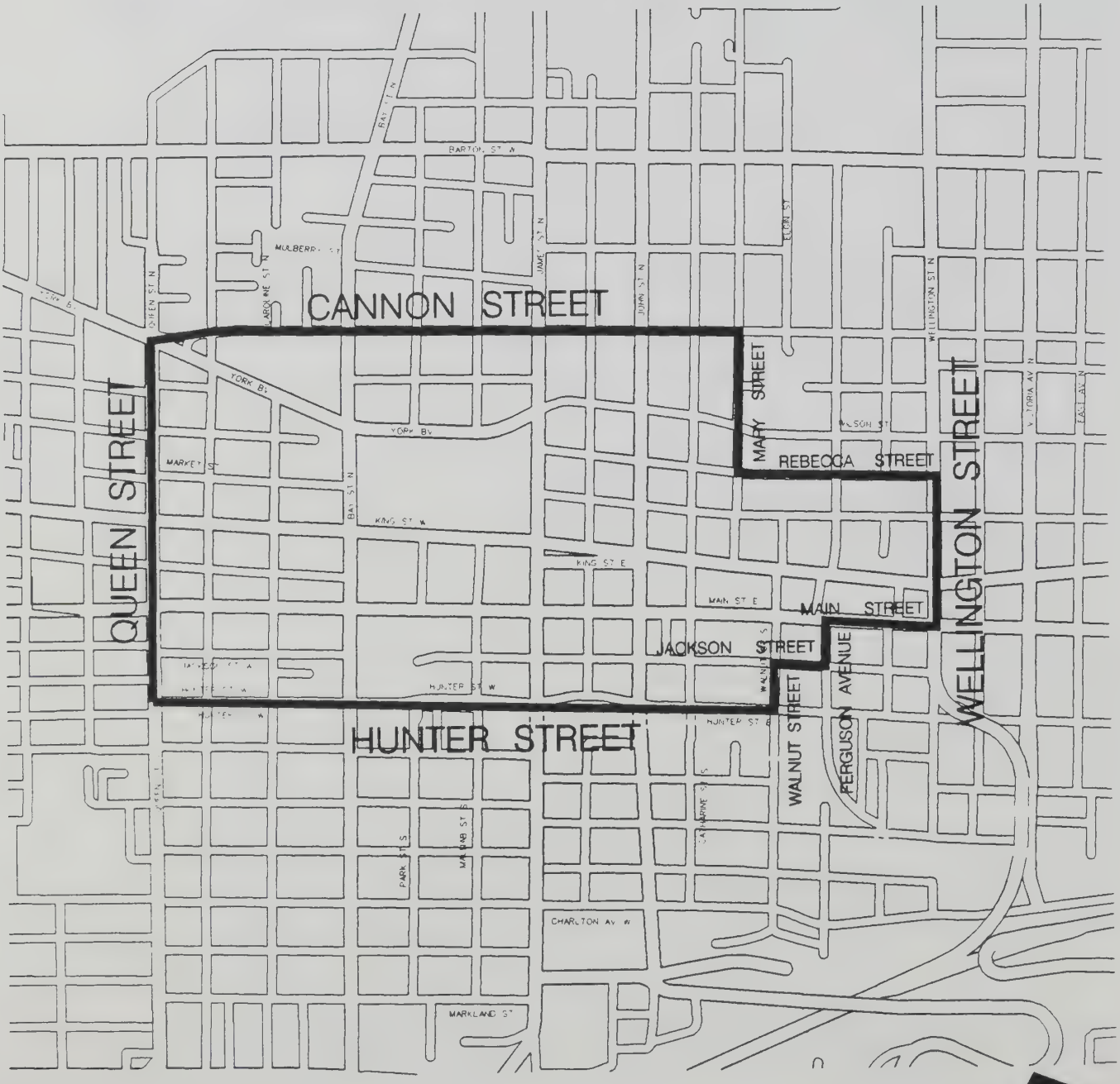
CONCLUSION:

Based on the above, it would be appropriate to amend Zoning By-law No. 6593 to temporarily eliminate the parking requirement for residential uses for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street for a period not exceeding three years.

JHE

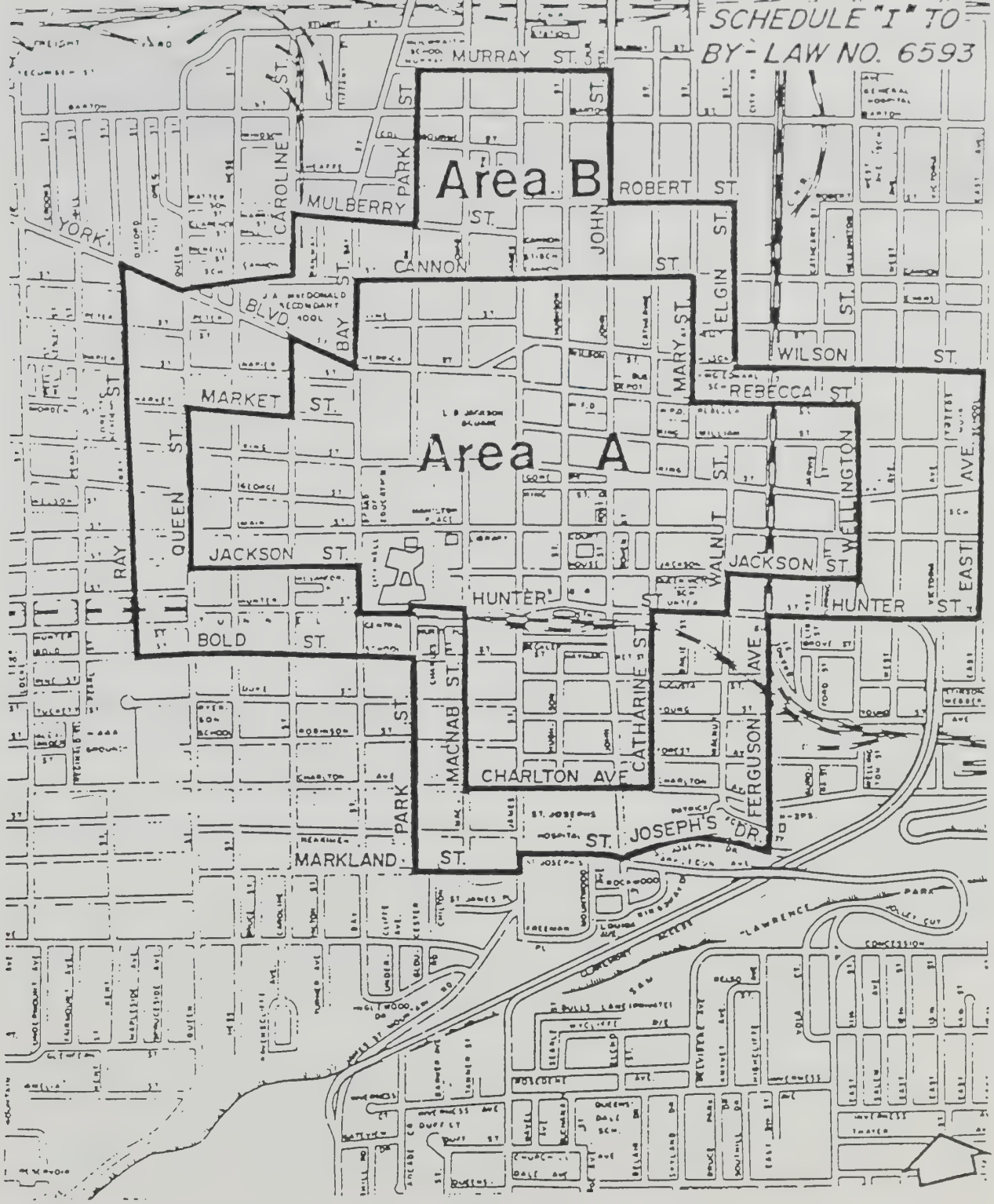
Schedule 'K' to Zoning By-Law No.6593

Residential Parking in the Downtown



CI-96-I
Amended

AREA A Proposed "0" Parking Area for Residential Development



LEGEND

Delineates boundary of those areas in which parking for Commercial, Public and Institutional uses are reduced or not required

APPENDIX "8"

CITY	REQUIREMENT
Thunder Bay	1.5 spaces/unit (no loading space)
Halifax	no requirement
St. John's	no requirement
London	no requirement
Vancouver	no requirement - listed Heritage building
	0.5 to 1.0 space/unit - Downtown South
	max. 0.6 spaces/unit and one additional space for each 100 m^2 of g.f.a., or 2.3 spaces/unit whichever is less
Calgary	min. 0.5 to a max. 1.0 spaces/unit
Regina	no requirement
Winnipeg	1 space/2 units, except in riverbank areas and Historic and Chinatown areas no requirement
Ottawa	min. 0.5 spaces/unit max. 2.0 spaces/unit
Montreal	.25 to 1.25 spaces/unit

APPENDIX "C"

APPENDIX "D"

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1996 February 14

Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director
Planning & Development
City of Hamilton

Attention: Mr. Paul Mallard

Dear Sirs:

Re: Proposed Changes to Parking Standards for Residential Conversions within the CBD - CI-96-B

Thank you for your letter, dated 1996 January 16. In response to this circulation, we offer the following comments.

Please be advised that we are opposed to the complete elimination of required parking within the CBD for residential conversions. Having stated this position, it should also be clearly understood that we fully support, the encouragement of residential uses within the CBD. It is our position that these two statements are not contradictory. We would further suggest that your draft report fails to justify the proposed recommendation and confuses the above issues.

Background Section

The background section refers to the Mayor's Task Force on Downtown Issues and Renewal, and then refers to two resolutions from the Planning and Development Committee and the Finance and Administration Committee. These resolutions direct the Director of Local Planning to prepare a report to consider allowing as-of-right zoning to permit residential conversion and does not direct the review of parking requirements. In a latter section, several existing limitations on conversions are identified within the existing zoning by-law but the report fails to examine any of these factors except for parking. We would submit that some of these other factors would appear to have a much greater impact on downtown conversion than does the existing parking requirements.

All of the quoted planning documents within the next portion of the report support the provision of residential uses within the downtown area. We fully support and encourage all of these provisions. Nowhere, however, do these policies identify parking provisions as a concern or problem.

Parking Survey

The presentation of this survey data appears to be somewhat misleading. Our review of these results would be that four of the ten cities surveyed have no parking requirements for residential uses within their CBD's and that two of these four are recent changes. The other six, a majority of the survey, do require parking and at rates similar to those required in our existing by-law. Assuming for the moment that these cities are in fact comparable to Hamilton, it therefore appears we are currently in agreement with the majority of the surveying cities.

With regards to the issues surrounding "Heritage" buildings, we have always been prepared to examine the merits of specific proposals on a site specific basis and will continue to do this. This initiative would however remove our ability to do this type of assessment and we therefore cannot support it.

By-law No. 83-86

Specific reference is made to this By-law modification along Barton Street. No discussion of alternatives is given in this report similar in direction to this existing By-law. Why?

Comments Section

The comments provided within the section provide a very simplistic review of a number of much more complex issues.

The parallels drawn between the requirements for downtown commercial parking and residential parking make no sense. These are vastly different areas which just happen to result in a common requirement, a parking space. The reasoning behind the parking requirements and any reductions within the downtown area for these two different generators are not connected. This premise has long been recognized within our own Zoning By-law and within other policies such as the Cash-in-Lieu of Parking Policy which applies to commercial uses only.

The information provided with respect to your 1994 Parking Survey is also highly misinforming. Generally, these parking spaces are of a "temporary" nature only and do not provide the type of parking needed to support residential uses. We would also request the opportunity of reviewing the details of your study because we would suspect that it fails to take into account factors such as location and peaking requirements associated with parking use. A detailed study conducted on behalf of the Parking Authority in 1989 had recommended an increase in parking inventory in the immediate area of City Hall.

The remainder of the report presents a number of planning policies with respect to encouraging residential uses within the downtown and the reduction of parking requirements within the CBD. As stated previously, we fully support these policies but do not support this proposed conclusion. In addition, the City of Hamilton already provides for a reduction in residential parking requirements within the CBD. We would therefore submit that we have been ahead of the trends suggested within the report.

In summary, the report fails to provide any justification which would support this recommendation. While we fully support and encourage the provision of residential use within the CBD, we are opposed to this proposed elimination of required parking. Individual proposals should be evaluated based on their specific merits.

Yours truly,

R. Karl, P. Eng.
Manager of Traffic Planning

RK/ca

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 6 OCT 1

3a)

Strathcona Community Council

September 24, 1996

Secretary,
Planning & Development Committee
City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir/Madam:

RE: Zoning Bylaw 6593
Planning & Development Committee Meeting, October 2, 1996

Strathcona Community Council is opposed to the amendment to the above mentioned bylaw as it is detrimental to the residents already living in the affected areas and we wish to present our objections to the Planning & Development Committee.

As we have not had sufficient notice to prepare our position, we request this matter be tabled to a future meeting.

Yours truly,
STRATHCONA COMMUNITY COUNCIL

Mary-Anna McQuade

Mary-Anna McQuade
President

cc: Marvin Caplan, Alderman, Ward 1
Mary Kiss, Alderman, Ward 1

P.O. Box 33523, 50 Dundurn St. South • Hamilton, Ontario • L8P 4X4

Submitted at P+D Mtg.
1996 Oct 2.
361

October 1, 1996

Following a meeting on September 23, 1996, I have been asked to speak on behalf of Strathcona, Kirkendall, Durand, Stinson, Lansdale, Central and Beasley Neighbourhood Associations.

We are unanimously opposed to the amendment to Zoning Bylaw number 6593, that reduces parking requirements for residential development in the downtown core. We agree that revitalization of the downtown is necessary, but not at the expense of the present, and in many cases, long term residents of the area.

We feel that extending this bylaw to Area B is unnecessary and will cause inconvenience to the many residents who are already experiencing difficulty with on-street parking.

Also, at least one site in this area has had parking requirements for a new development set by the Ontario Municipal Board. hould this be overturned by the new amendment, residents will have to live with parking problems for far longer than the proposed three year experiment.

The associations have agreed that this proposed amendment is viable only on a site specific basis with existing buildings, such as the Lister Block.

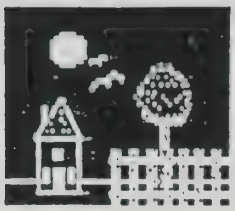
Furthermore, due to lack of notice and the availability of the staff report just two days prior to this meeting, we are asking that this matter be tabled to a later date to allow the Neighbourhood Associations the time to meet again in order to look at this proposal in more depth.

Jackie Pfander
Secretary
Strathcona Community Council

P.O. Box 33523, 50 Dundurn St. South • Hamilton, Ontario • L8P 4X4

Submitted with P+D Mtg. 1996 Oct 2

3c)



kirkendall neighbourhood association

. . . Helping to Create & Maintain a Healthy Neighbourhood . . .

October 2, 1996

TO: Chair, Planning and Development Committee

FROM: Dale Brown
Kirkendall Neighbourhood Association

RE: General text amendment to City of Hamilton Zoning By-law No. 6593

The Kirkendall Neighbourhood Association believes that the proposed general text amendment to the Zoning By-law respecting reduced parking requirements for residential development in the Downtown Area is ill-advised for the following reasons:

1. Residential parking in both Areas A and B is already a problem. These problems would only be exacerbated by new residential development where off-street parking is not provided.

2. While it may be desirable to reduce the number of cars making trips to the downtown area, it is foolhardy to pretend that people who live in these areas will not own cars . Even if these residents should choose not to use their cars to go downtown, they will use them to go to work, to visit friends and relatives who do not live in the downtown core and for leisure trips either to other parts of the city or out in the country. We cannot wish cars away.

3. The suggested three year moratorium is ridiculous; if this experiment is seen not to work, will the City then require the owners of such new residential developments to turn around and provide parking in accordance with the original by-law?

4. A lack of parking in the two specified areas would result in spillover parking in adjacent neighbourhoods which may either compound existing parking problems in these adjacent areas, or create new parking problems.

5. There is a certain level of neighbourhood stablility in the specified areas; people choose to live there. If lack of parking becomes an issue, downtown revitalization may be threatened.

6. If a residential development were proposed to house a population that would not require vehicle parking, then surely special permission could be given on a **site specific** basis. This would eliminate the need for such a generalized zoning amendment.

In conclusion, we would like to say that these changes are not resident-friendly and we would urge this committee to reject these proposed changes. Thankyou.

Dale Brown

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 OCT 1

RE: CI-96-I

3d)

ctober 1, 1996 OCT 01 1996

lanning Department, City of Hamilton

am writing to voice my objection to the proposed amendments to the parking estrictions for developments in the downtown core. It is my understanding that he City believes by relaxing the parking requirements on developments in the owntown core, the developers will come into the area. Is relaxing the parking equirements the only way that development will proceed? Who will want to live in building where they are unable to park a car? What people would be attracted to uch a building? Most people these days own at least one car or at least aspire o own a car. I would argue that the majority of persons/couples who do not own ars are either a) unable to afford a car or b) restricted from driving due to edical problems. What members of our population fall into those two categories? ome students, lower income families and some elderly.

hat happens if these amendments are adopted as written? Developers may indeed ome in. They may erect their buildings however the people they are targeting Toronto GO transit commuters) to occupy their buildings will not come forth ecause they won't be able to park their cars. Therefore the rent for the units ill drop. Lower income families may then move in or those on welfare etc. Are hese people going to revitalize the downtown core? No. They will have little or o disposable income. In my view the downtown core - which already has a large umber of low-income housing will be slated with even more low income housing. afety issues - already of concern to the area residents will intensify. The lderly that can afford to live elsewhere will move out or just not move into this rea in the first place.

hat about the existing parking problems? Given the large number of duplexes and riplexes in the area parking is already problematic in the downtown core. As a esult of the limited residential and street parking, residents take advantage of he parking lots of area businesses during off hours to park their cars. hould the parking requirements be relaxed, people living in those areas where the arking requirements have been relaxed will drive their cars further - a few more locks into the surrounding neighbourhoods - and thus exacerbate the parking roblems in those areas.

o I think GO Transit commuters could be attracted to the downtown core? Perhaps as a result of the proximity to the trains. However there are many issues that ould have to be addressed before those people would consider relocating to the owntown core. Parking would be one and safety another. There are a large number f secondary lodging homes in the area and people do feel their safety is hreatened. For people to want to live in the area they need to feel safe. imilarly if the City wants people to shop in the downtown core it must be an njoyable experience. Otherwise those that can afford to live and/or shop lsewhere will do so. The City needs to address those issues to make the downtown n enjoyable place to work, shop and live. If revitalization of the downtown core s the goal, reducing the parking requirements will not achieve the desired end.

. Browett
tinson Community

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199[illegible] Oct 1

RE CI-96-I

3e)

Beasley Neighbourhood Association
27 Elgin St.
Hamilton, Ontario.
L8R 3N2

SEP 30 1996

City Hall
71 Main St. W.
Hamilton, Ontario.
Attention:
Secretary of the Planning and Development Committee.

Re: Bylaw #6593 with respect to reduced/elimination parking requirements for Residential & Commercial development in the downtown core.

Sirs: The Beasley Community strongly opposes this proposed ammendment to zoning bylaw #6593.

The burden of these changes to Beasley would put undo stress on the residents and businesses of the community. Our economy is very fragile at this point and we are slowly but successfully rebuilding our business structures. We feel that if this plan were implemented it would deter people from utilizing our area businesses and drive our local economy into a downward spiral.

We already have a 33% or better vacancy rate in the resedential area's and dropping the parking down to a .5 car or less/ resident level would deter new residents from coming into our community.

With the problems we already have in our downtown core now, adding this new burden to an already depressed situation, will destroy the work that has been done up till now. The surrounding neighbourhoods will be inendated with parking problems and shortages. Parking is at a premium and putting further pressure on the bordering areas will create an untenable situation.

Richard Gillespie
(President)
Richard Gillespie

Beasley Neighbourhood Association

Submitted at PoD Mtg
1996 Oct 2

3f)

DURAND
NEIGHBOURHOOD
ASSOCIATION
INC
c/o
104 ABERDEEN AVENUE
HAMILTON, ONTARIO
L8P 2N8

Oct. 2, 1996

REPORT TO THE PLANNING DEVELOPMENT COMMITTEE

RE: **Reduced Parking Requirements for Downtown Residential Development**

The Durand Neighbourhood Association is very concerned with the proposed 2 stage reduction in parking requirements as it affects our Durand Neighbourhood.

We, in the Durand Neighbourhood, definitely support initiatives that promote the growth in the downtown area.

We were surprised and disturbed to discover that downtown stretched south all the way to Charlton Avenue. Our feeling is that downtown stretches southward to Hunter Street and the railway tracks.

In our neighbourhood, proposed Area A affects the business area on the west side of James Street South to the east side of McNab Street and south to Charlton Avenue. The present zoning in this area would allow residential high rise apartment buildings. A developer could tear down existing low buildings and put up a 10 story apartment building with no parking spaces for residents or visitors. When talking to the Planning Department I was told that developers had said they planned parking spaces anyway, but, if this amendment is passed they would not have to supply parking spaces and they probably would not do so under law. Talk is cheap!

James Street South is an arterial road surrounded on both sides by businesses servicing the Durand and Corktown residents. People from outside these areas generally do not come to park and shop. They come to use St. Joseph's Hospital and related medical facilities.

Parking is now a major concern. The arrival of the GO downtown has increased the usage of the few available parking spaces. To force a significant increase in cars seeking parking spots in our neighbourhood would tax to the limit or exceed our ability to handle this influx.

As for Area B to decrease the parking requirement from as much as 1.5 spaces per unit to .5 spaces will again place an undue burden on already fully used on-street parking.

To conclude, we support your initiatives for the true downtown area but feel that the boundaries proposed expand beyond the true downtown and that the potential massive increase in residential development without parking will make our neighbourhood increasingly unsafe for pedestrians.

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: 1996 November 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: The Players' Guild of Hamilton Inc.
Ray Street and Jackson Street West

RECOMMENDATION:

a) That the property on the corner of Ray Street and Jackson Street West owned by the Players' Guild of Hamilton Inc. be recognized as a sesquicentennial gift to the Hamilton community;

b) That the City endorse the donation of the property to Hamilton Habitat for Humanity and support development of the site for a single family dwelling.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: nil

BACKGROUND:

The Players' Guild of Hamilton Inc. recently approached the Mayor's office to donate a parcel of land to the City as a sesquicentennial gift. It was originally proposed that the land would be donated for use as a park. The size of the parcel of land (approximately 50' x 51') makes development for park purposes impractical and costly.

As an alternative, the Players' Guild of Hamilton has consented to donate the land to Hamilton Habitat for Humanity for development of a single family dwelling. They still wish the donation to be recognized as a sesquicentennial gift and Hamilton Habitat for Humanity is willing to accept the donation under that condition.

The small lot size of 50' x 51' will make development of the lot a challenge and a successful application to the Committee of Adjustment will be required. Hamilton Habitat for Humanity is willing to pursue development of the site for specialized housing and will ensure that development is in keeping with the established neighbourhood.

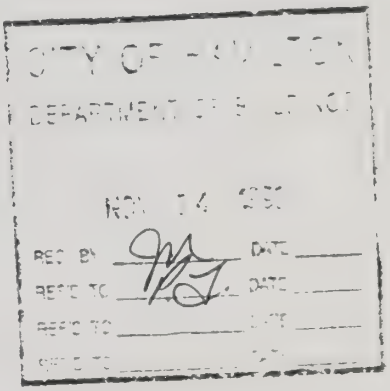
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c.c. Robert M. Morrow, Mayor
Alderman B. Charters
Mr. Norm Westbury, Chairman
Hamilton Habitat for Humanity



THE PLAYERS' GUILD OF HAMILTON INC.

80 QUEEN STREET SOUTH, HAMILTON, ONTARIO L8P 3R8 • (905) 529-0284



November 12, 1996

City Hall
Main Street W.
Hamilton Ontario.

Dear Mayor Robert Morrow:

This is to inform you of the change to the Players' Guild gift of land at Ray Street and Jackson Street. The Guilds' Board of Directors have voted in favour of changing the use of the land to be for a Habitat for Humanity site. We, at the Players' Guild, feel that this type of project is the best use of the land for our neighbours and the City of Hamilton. The Players' Guild of Hamilton would like to have a plaque installed at the completion of the project as to the recognition of our sesquicentennial gift to the City. We hope this meets with your approval.

Sincerely,

Trevor McAnuff
President
The Players' Guild of Hamilton

5.

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 November 20
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1996 November 6

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

a) International Village B.I.A. - 1997 Budget

b) Downtown Hamilton B.I.A. - 1997 Budget

c) Barton General B.I.A. - 1997 Budget

d) Main West Esplanade B.I.A. - 1997 Budget

e) Westdale Village B.I.A. - 1997 Budget

f) Ottawa Street B.I.A. - 1997 Budget

g) Downtown Hamilton B.I.A. - Revised Board of Management

h) Barton General B.I.A. - Revised Board of Management

i) International Village B.I.A. - Revised Board of Management

j) Main West Esplanade B.I.A. - Revised Board of Management

k) Community Renewal, Public Works, and Traffic - 1997 to 2006 Provisional Capital Budget

Consent Agenda
PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 November 20

C. BUILDING COMMISSIONER

a) Hamilton Emergency Loan Program - 869 Queensdale Ave E

b) 1508 Upper James St - demolition

c) 1514 Upper James St - demolition

d) Building Department 1997-2006 Provisional Capital Budget

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

a) 1997 Planning and Developemnt Committee Schedule

b) Information Items

Wednesday, 1996 November 6 A.
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Acting Chairperson Alderman G. Copps Alderman W. McCulloch Alderman M. Caplan Alderman F. Eisenberger Alderman B. Charters Alderman H. Merling
Regrets:	Mayor R. Morrow, Civic Business Alderman D. Drury, Bereavement
Also Present:	Alderman T. Anderson Alderman B. Morelli Alderman M. Kiss Victor Abraham, Director of Local Planning Bill Janssen, Planning Department Caroline Floroff, Planning Department Joe Lakatos, Planning Department John Sakala, Planning Department Eugene Chajka, Regional Environment Department Willie Wong, Building Department Peter Lampman, Building Department Larry Harvey, Building Department Don Inglis, Building Department Marty Hazell, Public Works and Traffic Roland Karl, Public Works and Traffic Bob Chrystian, Public Works and Traffic Patrice Noé Johnson, City Solicitor Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 96-06, by Harnox Holdings Limited, owner, for a modification to the established "HH" District for lands located 1051 Upper James Street**

Caroline Floroff advised that the application is to permit a residential care facility for 115 seniors, of the notices sent out, 9 replied in favour and 10 opposed. She stated that the applicants propose to modify the existing building to house 115 seniors. In 1991 a similar previous zoning application was denied. It was also proposed to be a residential care facility. The reason it was denied, is because there were too many units. The property is presently used as a centre for offenders. She stated that the Planning Department is recommending denial because 39 parking spaces are required and only 19 will be provided. There is an overintensification of use. Only 20 units are permitted but they are requesting 116. The Planning Department promotes a smaller facility that has a family type environment.

Applicant Marshall Wiesz was present. He stated that the operation will be a good operation and is much needed in this City. He stated that 30% of the building has been empty for 5 years and he also stated that seniors do not normally have cars, therefore, not more than 19 spaces will be used.

Emilia Gadowski, who lives directly behind the building on Victor Boulevard was present. She stated that a similar proposal has already been before the Committee and now it is coming again. There are many problems associated with the existing tenants. She stated that there is no guarantee that it will stay as a senior's centre and that it may also be filled with various other types of people.

Emilio Antonio of 69 Victor Boulevard was present. He stated that the proposal should not be permitted because it is over used and it is not a neighbourhood type setting.

Debra Sferrazza of 20 Victor Boulevard was present. She stated that there have been many break-ins. She said there is a contradiction as to whether it will be a senior's centre or a corrections facility.

Melvin Shedd of 113 Victor Boulevard was present. He stated that 115 people are too many. The parking is not enough even for the service people nor for the visitors.

Roula Constantino a neighbourhood resident was present. She stated that the value of the properties will be deflated and that she will not be able to sell her property.

Mr. Wiesz stated that presently the facility is run by Family Services and that the new proposal for seniors will remove the Family Services use. He stated that the residents have received a notice that the facility may be used for a corrections facility, that notice is incorrect.

In response to a question from Alderman Merling, Caroline Floroff stated that tenancy cannot be regulated and that therefore, you cannot prevent the applicant once it is rezoned, to have offenders in the building.

Alderman Merling stated that the applicant is using a seniors label to establish a residential care facility. He also stated that because the facility is on a busy road, it is not suitable for seniors. He stated that approximately 75 people are at the meeting in opposition. He suggested that the applicant look at other options, since the vacancy rates in the downtown core are high and may be able to accommodate this type of use.

Alderman Anderson concurred with Alderman Merling and added that there are a lot of difficulties for neighbours who are in a residential area which abuts a commercial strip. He stated that it is not proper planning to create new problems for these residents. There is no room for cars and the area is congested.

Alderman Copps stated that the proposal is for a seniors home with no physical care facilities; as such, she suggested that many of them will be driving vehicles. She stated that at present, there is a 25% vacancy rate in second level lodging homes in Hamilton.

Alderman D'Amico stated that the building cannot accommodate 115 people and the density should not be increased. He supports the recommendation to deny.

As recommended in a report from the Director of Planning dated 1996 October 30, the Committee recommended to Council as follows:

> That Zoning Application 96-06, Harnox Holdings Ltd., owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 1051 Upper James Street, to permit a residential care facility for 115 residents, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

(a) It conflicts with the intent of the Official Plan in that the proposal does not provide adequate amenity area for the residents and adequate on-site parking in that 39 spaces are required to be provided whereas 19 on-site spaces can be provided;

(b) The proposal represents an over intensification of the site in that residential care facilities with a maximum capacity of 20 residents are permitted as-of-right in other commercial districts such as the "H" District and "I" District. The proposed capacity is 5.75 times higher than the maximum number of residents permitted in other commercial districts. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy off the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.

2. DELEGATION

Wesley Urban Ministries - Regarding request for Zoning - Drop In Centres

Linda Langston, Executive Director, Dr. Richard Allen, Chairperson, and John Ariens, Planning Initiatives were present to speak on the matter.

Dr. Allen stated that they have recently been challenged with regard to their zoning. They do not want to site specific change, but a proposal throughout the City. He stated that there is a large growing population of street people and residents of the downtown core which need a facility such as the one that is provided by the Wesley Urban Ministries at 195 Ferguson Avenue North. He stated that drop-in centres do not fit the definition of short-term care facilities with limits of 20 people. He added that there was nothing in the present zoning by-laws which address this type of need. He requested the City to undertake a study to find the proper language to determine and recognize this type of facility in the zoning by-laws.

John Ariens stated that the operation has been in use for the past 6 years. He added that "drop-in centre" does not fit in to any of the definitions and uses presently in the zoning city, zoning by-law. There is a need in the City for this facility and it should be recognized. He suggested that the definition be dealt with on a comprehensive basis and he stated that he is willing to work with the any City staff to develop this definition.

In response to a question from Alderman McCulloch, Peter Lampman stated that other types of centres have kitchens and regular beds and therefore, they are considered to be more of a residential environment. He agreed that "drop-in centres" are not properly defined in the zoning by-law.

Alderman McCulloch suggested that the Wesley Urban Ministries investigate looking up the behaviour of people using the facilities.

Alderman Eisenberger concurred and stated that this is a much needed service in the City which is used by "marginalized" people, who are predominantly in the downtown core. He suggested though, that some of the problems may be dealt with by policing.

Dr. Allen stated that the Wesley Urban Ministries have been proactive. They have met with the police and had meetings with them. They want to have a marshalling area in the rear of the building so that people will not be standing about in the front of the building. They are trying also to increase the hours of operation, which will be helpful as well.

Alderman Caplan stated that although the Wesley Urban Ministries use is necessary, he questions the 100 letters of complaints, which have been received from the neighbourhood residents. He suggested that there should not be a large concentration of marginalized people in one specific area.

Dr. Allen stated that it is not necessarily true that every problem which is associated with the letter of complaint, occurred as a result of a person who patronized the Wesley Centre.

Following discussion, the Committee resolved:

That this item be referred to Planning and Development staff for a report back to the Planning and Development Committee regarding a request by the Wesley Urban Ministries to consider a general text amendment to the zoning by-law to include specific reference to "Drop-In" Centres.

3. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) City Initiative 96-J, Parking Review of Parking Standards for Single Family Dwellings

As recommended in the report from the Director of Planning and Development dated 1996 October 25, the Committee directed the Planning and Development Committee staff to undertake a review of the parking standards for single family dwellings.

(b) (i) City Initiative 91-I, Mobile Signs - Working Committee dated 1996 October 29

(ii) Correspondence from Don McPhail re: the Mobile Sign Committee dated 1996 October 30

Caroline Floroff advised the Committee that they have before them an update on the Mobile Sign matter. She stated that the Mobile Sign Committee would like to not continue its deliberations until the Burlington court ruling is decided in May of 1997.

Alderman Merling stated that the illegal signs on the road allowance must be removed. He questioned why this has not yet been enforced.

Peter Lampman advised that the cost of towing the signs away is between $150. - $250., whereas they are only charging $100. for people to get their signs back. He stated that staff is in the process of tendering to the private sector, the towing away of these signs.

Both Alderman Merling and Alderman Eisenberger concurred that they signs should be towed and the people should be charged at cost.

Victor Abraham advised that there are 2 issues; the enforcement of the streets by-law, and the implementation of the new by-law. He stated that if the new by-law is tabled until May of 1997, a new inventory must be conducted of the existing signs.

Staff recommends that they continue with the direction as previously given to them by Council.

It was the general consensus of the Committee that the new by-law go forward.

Caroline Floroff advised that the City of Burlington appeal has been going on for 3 years. She stated that as far as staff is concerned, nothing has changed and the new by-law is ready to be passed in December of 1996 or January of 1997.

Eugene Chajka stated that much of the inventory has been completed and at present the contracting out is being completed.

Patrice Noé Johnson stated that staff is also looking at the ticketing issue with regard to repeat offenders. She also added that it would be the best strategy to maintain course, otherwise another inventory would be required in the next year.

In response to a question from Alderman Merling, Marty Hazell reassured the Committee that they will continue to enforce the by-law until the tendering process is complete.

The Committee resolved that the information report from the Director of Planning and Development dated 1996 October 29 and the correspondence from Don McPhail dated 1996 October 30 be received.

4. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization - Streetscaping and Hydro Wires

Bob Chrystian stated that he is recommending that this be tabled in order that staff may meet with Hydro to determine a better arrangement for funding.

The Committee resolved that the Barton Street Revitalization - Streetscaping and Hydro Wires report from the Commissioner of Public Works and Traffic and Chief Administrative Officer dated 1996 November 1 be tabled.

5. PRIVATE AND CONFIDENTIAL AGENDA

AA. **Building Commissioner - 345 James Street North - Commercial Loan Programme - Registration of Loan on Tax Rolls**

As recommended in a report dated 1996 October 21, the Committee recommended to Council:

> That the total outstanding Commercial Loan for Trillion Investment Corporation, c/o Mr. Peter Jovanovich, 345 James Street North, Hamilton, in the amount of nine thousand, nine hundred and seventy dollars and twenty-eight cents ($9,970.28) be placed on the tax rolls.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The Minutes of the meeting held 1996 October 23 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. BUILDING COMMISSIONER

Hamilton Emergency Loan Program - 327 Hixon Road - dated 1996 October 21:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Emily Archer, 327 Hixon Road, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Request to exempt proposed ground (pylon) signs at 282 Centennial Parkway North - dated 1996 October 28:

That approval be given to a request by Neon Products Limited on behalf of the owner Queenston Chev Olds, owner of the lands at 282 Centennial Parkway North, as shown on the attached map marked as APPENDIX "B", to exempt the proposed ground (pylon) signs from Site Plan Control procedures subject to the approval of the Committee of Adjustment for the following variances:

(i) to reduce the required front yard for three ground (pylon) signs from 6.0m to 3.048m; and,

(ii) to permit the height of the three ground (pylon) signs to be 10.7m (35ft.), 8.53m (28 ft.), and 6.0m (19.6 ft.) instead of the maximum 6.0m.

(b) "Gagliano Gardens Addition", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication) - dated 1996 October 24:

That the City of Hamilton accept the sum of $40,000. as a cash payment in lieu of the 5% land dedication in connection with Gagliano Gardens Addition, Hamilton, being the cash payment required under Section 51.1 of the Planning Act.

(c) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, A-96-174, 72 Nash Road South. - dated 1996 October 24:

The Committee approved the recommendation that the appropriate staff (i.e. Law, Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearings in support of the Committee of Adjustment decisions to deny Applications No. A-96-174 respecting property located at No. 165 Queenston Road and No. A-96-179 respecting property located at No. 72 Nash Road South.

(d) Planning and Development Department, 1997-2006 Provisional Capital Budget - dated 1996 October 21:

The Committee approved the recommendation as follows:

(i) That the attached capital projects from the Planning and Development Department be considered for inclusion in the ten year 1997-2006 Provisional Capital Budget; and,

(ii) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following items for information, which were received under separate cover:

(a) Building Commissioner re: Building department Quarterly Report as at 1996 September 30, dated 1996 October 17

(b) Ross & Ross Barristers and Solicitors re: Zoning Bylaws Respecting Homes Occupied by Students in West Hamilton, dated 1996 October 15

(c) Director of Planning and Development re: Planning and Development Department Quarterly Report as at September 30, 1996, dated 1996 October 21

7. OTHER BUSINESS

None.

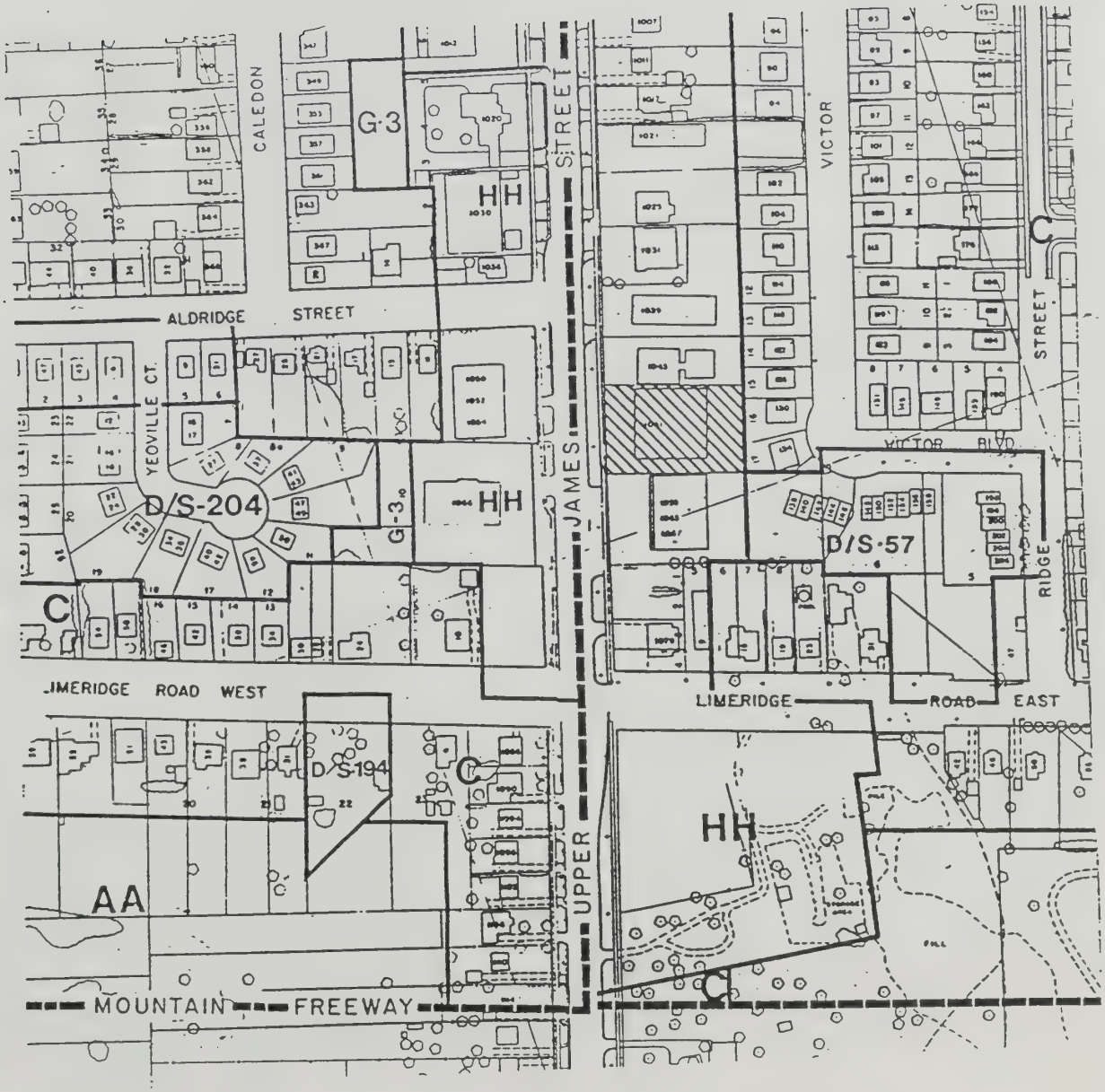
8. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico
Vice-Chairman
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" as referred to in Section 1. of the Planning and Development Committee Minutes dated 1996 November 6.



Legend

Site of the Application

ZAC-96-06

Appendix "B" as referred to in Section C. (a) of the Planning and Development Committee Minutes dated 1996 November 6.



Ba)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 - 1996

DATE: 1996 November 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: International Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1997.

RECOMMENDATION:

1. That the 1997 operating budget for the International Village B.I.A. (attached as Appendix 'A') be approved in the amount of fifty-three thousand, five hundred dollars ($53,500.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as reference in (1) above; and,

3. That the following schedule of payments for 1997 be approved:

January 01	$26,750.
September 01	$26,750.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The fifty-three thousand, five hundred dollars ($53,500) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this fifty-three thousand, five hundred dollar ($53,500) operating budget.

BACKGROUND:

At its Annual General Meeting held 1996 November 06, the International Village B.I.A. adopted a 1997 operating budget of fifty-three thousand, five hundred dollars ($53,500.).

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P&D.97IntVill

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. Larry Friday

APPENDIX 'A'

INTERNATIONAL VILLAGE B.I.A.'S
1997 OPERATING BUDGET

OPERATIONS:

Rent	$2,000.
Utilities	$1,900.
Telephone	$1,000.
Office Supplies, Office Equipment	$1,500.
Bank Charges	$ 400.
	$6,800.

WAGES:

Executive Director	$20,000.
	$ 3,000.
	$23,000.
Insurance	$ 1,300.
Audit	$ 400.
Print/Radio Advertising	$ 3,500.
Promotion	$ 4,500.
	$ 9,700.
Allowance for Uncollected Levies	**$14,000.**
T O T A L	**$53,500.**

B5)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 4 1996

DATE: 1996 November 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1997.

RECOMMENDATION:

1. That the 1997 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix 'A') be approved in the amount of eighty-four thousand dollars ($84,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,

3. That the following schedule of payments for 1997 be approved:

January 01	$21,000.
March 01	$21,000.
June 01	$21,000.
September 01	$21,000.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The eighty-four thousand dollars ($84,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eighty-four thousand dollar ($84,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1996 November 13, the Downtown Hamilton B.I.A. adopted a 1997 operating budget of eighty-four thousand dollars.

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attachment

c.c. Grahame McTaggart, Executive Director
Downtown Hamilton B.I.A.

Alan Ross, City Treasurer
Treasury Department
Attn: Larry Friday

APPENDIX 'A'

DOWNTOWN HAMILTON B.I.A.
1997 BUDGET

Management Fees	$25,000.
Promotions/Special Events	$16,000.
Beautification	$ 5,000.
Administration	$20,000.
Reserve	$18,000.
TOTAL	**$84,000.**

Bc)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1 1996

DATE: 1996 November 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton General Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1997.

RECOMMENDATION:

1. That the 1997 operating budget for the Barton General B.I.A. (attached as Appendix 'A') be approved in the amount of eight thousand, seven hundred and sixty dollars ($8,760.); and,

2. That the City Treasurer by hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as reference in (1) above; and,

3. That the following schedule of payments for 1997 be approved:

January 01	$2,190.
March 01	$2,190.
June 01	$2,190.
September 01	$2,190.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The eight thousand, seven hundred and sixty dollars ($8,760.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eight thousand, seven hundred and sixty dollar ($8,760.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1996 October 30, the Barton General B.I.A. adopted a 1997 operating budget of eight thousand, seven hundred and sixty dollars ($8,760.).

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P&D.97BarBud

c.c. Keith Cody, Chairman
Barton General B.I.A.

Alan Ross, City Treasurer
Treasury Department
Attn: Larry Friday

APPENDIX 'A'

BARTON GENERAL B.I.A.
1997 OPERATING BUDGET

EXPENSES	AMOUNT
Wages	$3,400.
Rent	$2,200.
Phone/photocopier/fax	$ 250.
Office supplies/postage	$ 50.
Insurance	$ 810.
Hall Rental/Dinners	$ 750.
Contingency Fund	$ 300.
Advertising	$1,000.
TOTAL	**$8,760.**

Bd)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 5 1996

DATE: 1996 November 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Main Street West Esplanade Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1997

RECOMMENDATION:

1) That the 1997 operating budget of the Main Street West Esplanade B.I.A. (attached as Appendix 'A') be approved in the amount of $10,000; and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1997 be approved:

January 01	$2,500.
March 01	$2,500.
June 01	$2,500.
September 01	$2,500.

NOTE: 1996 levy arrears will be deducted from the payments for 1997

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $10,000. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

..../2

BACKGROUND:

At its General Meeting held 1996 October 22, the Main Street West Esplanade B.I.A. adopted a budget of $10,000.

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attachment

cc A. Ross, City Treasurer
M. Farrugia, Chairman, Main Street B.I.A.

APPENDIX'A'

MAIN STREET WEST ESPLANADE

CHRISTMAS ORNAMENTS	$1,800.
BARRIERS	$ 250.
HYDRO	$1,300.
MEETINGS	$ 400.
EXPENSES TO BE INCURRED FOR MAIN ST. WEST FROM LOCKE TO DUNDURN(ABOVE NOTED EXPENSES TO INCREASE AND PURCHASE CHRISTMAS ORNAMENTS, LIGHTING	$6,250.
TOTAL	$10,000.

B2)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 3 1996

DATE: 1996 November 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Westdale Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1997

RECOMMENDATION:

1) That the 1997 operating budget of the Westdale Village B.I.A. (attached as Appendix 'A') be approved in the amount of $35,000; and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1997 be approved:

January 01	$11,000.
March 01	$ 8,000.
June 01	$ 8,000.
September 01	$ 8,000.

NOTE: 1996 Levy arrears will be deducted from the payments for 1997

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $35,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

..../2

BACKGROUND:

At its General Meeting held 1996 October 16, the Westdale Village B.I.A. adopted a budget of $35,000.

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attachment

c.c. A. Ross, City Treasurer, Attn: L. Friday, Treasury Department
Mary Beth Ledden, Chairman, Westdale Village B.I.A.

APPENDIX'A'

WESTDALE VILLAGE B.I.A.

Proposed Budget 1997
$35,000

Uncollectible levies	**$5,000.00**
Fixed Expenses	**$15,000.00**

Audit fees, Director's insurance, comprehensive insurance, fax & copy charges, Board Meeting meals, beautification, office supplies, office space, staff, phone, miscellaneous.

Marketing & Advertising	**$15,000.00**

	$35,000.00

THE FOLLOWING INFORMATION WAS ADOPTED BY WESTDALE VILLAGE BIA WITH RESPECT TO THE EXPENDITURE OF THE $35,000. TO BE APPROVED ACCORDING TO THE FOLLOWING DISCRETIONARY SPENDING POLICY:

0-$25.99 MAY BE SPENT WITHOUT BOARD OF MANAGEMENT APPROVAL. DETAILED INVOICES/RECEIPTS MUST BE SUBMITTED TO THE TREASURER.

$26.00-$999.99 MAY BE SPENT WITH 5 BOARD DIRECTORS SIGNATURES MANDATORY ON THE PURCHASE ORDER BEFORE A CHEQUE IS ISSUED.

$1000.00-$4999.99 AT THE WILL OF THE BOARD OF MANAGEMENT, THIS AMOUNT OF MONEY MAY BE SENT ACCORDING TO THE GUIDELINES FOR THE $26.00-$999.99 CATEGORY OR THE BOARD OF MANAGEMENT MAY SEND THE REQUEST TO A COMMITTEE REQUESTING A DETAILED PLAN TO BE SUBMITTED AND APPROVED.

$5,000.00 AND OVER, A DETAILED BUDGET AND PLAN MUST BE PRESENTED TO THE BOARD AT LEAST 6 MONTHS PRIOR TO THE EVENT.

* NOTE: ALL COMMITTEES MUST HAVE AT LEAST ONE BOARD MEMBER WHO IS RESPONSIBLE TO PRESENT THE PROPOSAL AT THE BOARD MEETING.

BF)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 3 1996

DATE: 1996 November 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1997

RECOMMENDATION:

1) That the 1997 operating budget of the Ottawa Street B.I.A. (attached as Appendix 'A') be approved in the amount of $50,000.; and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1997 be approved:

January 15	$12,500.
March 15	$12,500.
June 15	$12,500.
September 15	$12,500.

NOTE: 1996 Levy arrears will be deducted from the payments for 1997.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $50,000. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

..../2

BACKGROUND:

At its General Meeting held 1996 November 6, the Ottawa Street B.I.A. adopted a budget of $50,000. Included within this budget is an allowance of unpaid levies of $10,000.

JP/jp
P&D\budget97

attachment

c.c. A. Ross, City Treasurer
G. Culshaw, Chairman, Ottawa Street BIA

APPENDIX'A'

OTTAWA STREET B.IA.
PROPOSED BUDGET 1997

ADVERTISING	
CHRISTMAS & SUMMER FEST	$15,300.
OFFICE EXPENSES	
ADMINISTRATION	$ 1,200.
PRINTING	$ 2,500.
RENT	$ 1,200.
TELEPHONE	$ 1,000.
UTILITIES	$ 800.
OFFICE COORDINATOR	$15,000.
UNPAID LEVIES (CONTINGENCY FUNDS)	$13,000.
TOTAL BUDGET FOR 1997	$50,000.

Bg)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 4 1996

DATE: 1996 November 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Revised Board of Management, Downtown Hamilton Business Improvement Area (B.I.A.).

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 95-046, appointing the Downtown Hamilton B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel,
D. Brocker	Royal Connaught Howard Johnson Hotel
P. Pappas	Joe Buddinski's
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 95-046.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

At its Annual General Meeting held 1996 November 13 the Downtown Hamilton B.I.A. held elections to fill vacant positions on its Board of Management.

DL:HM:hm
P&DBOM.Down

c.c. Grahame McTaggart, Executive Director
Downtown Hamilton B.I.A.

Patrice Noe Johnson
City Solicitor
Law Department

B h)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1 1996

DATE: 1996 November 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Revised Board of Management, Barton General Business Improvement Area (B.I.A.).

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 95-044, appointing the Barton General B.I.A. Board of Management be repealed and the following names substituted:

   SCHEDULE 'B'

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 95-044 pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its Annual General Meeting held 1996 October 30, the Barton General B.I.A. elected members from the general membership to fill vacancies on its Board of Management.

DL:HM:hm
P&DBM.Bart

c.c. Keith Cody, Chairman
Barton General B.I.A.

Patrice Noe Johnson
City Solicitor
Law Department

B i)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1 1996

DATE: 1996 November 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Revised Board of Management, International Village Business Improvement Area (B.I.A.).

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 95-041, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

Wolfgang Schoen	The Black Forest Inn
Gord Thompson	Thompson Jewellery and Pawn
John Kenyon	Payne Music
Paul Kircos	Alexanian Carpets

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 95-041 pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Three of the previous members of the Board of Management have resigned for various reasons e.g. business moved out of the area. To date the vacancies have not been filled. The revised Schedule 'B' identifies those members remaining on the Board.

DL:HM:hm
P&Dbm.int

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Patrice Noe Johnson, City Solicitor
Law Department

BJ)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 3 1996

DATE: 1996 November 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Revised Board of Management 1997; Main Street West Esplanade Business Improvement Area (B.I.A.)

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 95-043, appointing the Main Street West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

Karen Mullholland	Taco Bell
Izabela Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
A. Perniac	Lorne Haverty Ltd
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard & Speziale Design Associates Inc.

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 95-043, and replace it pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1996 October 22.

JP/jp
P&D\bdamend.mw

c.c. Mrs. M. Farrugia, Chairman
Ms. P. Noé Johnson, City Solicitor, Law Department, Attn: A. Zuidema, Solicitor

BK)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 4 1996

DATE: 1996 November 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Public Works and Traffic Department, Community Renewal, Parks Division, 1997-2006 Provisional Capital Budget.

RECOMMENDATION:

1. That the attached capital projects from the Public Works and Traffic Department, Community Renewal, Parks Division, be considered for inclusion in the ten year 1997-2006 Provisional Capital Budget; and,

2. That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

All development cost estimates have been prepared by the Public Works and Traffic Department. The annual current budget impact for each project is included with the capital budget submission.

From a legal perspective, all issues of a legal nature that may arise during the implementation of these development projects will be forwarded on an individual basis to the Planning and Development Committee for consideration.

There are no new staffing positions proposed with these Public Works and Traffic Department Capital Budget Projects.

BACKGROUND:

The following is a brief explanation of the 1997-2006 Capital Budget submission of Community Renewal, Public Works and Traffic Department (identified in Appendix 'A' attached). The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works and Traffic Department with the exception of the neighbourhood revitalization projects:

1. **Downtown Action Plan, Hughson Street Redevelopment - Phase One**

This project, at a gross cost of $743,000. is the first phase of a two-phase project on Hughson Street brought on by development of the refurbished GO Station. Hughson Street between King William and Hunter Streets will function as an excellent pedestrian connection from the GO Station to the downtown core and other major downtown attractions. With the recent focus on Hamilton's downtown revitalization, the need to create a more pedestrian friendly environment has been identified at various levels including the Hamilton Society of Architects Downtown Ideas Charette. The implementation of this project will work towards achieving that goal.

Total 1997 $743,000.

2. **Downtown Phase of the Ferguson Avenue Master Plan - A Pedestrian/Bike Link (King William to Main Streets).**

The Ferguson Avenue Master Plan was created through an intensive public participation process. The Plan establishes a continous pedestrian/bicycle connection from the Escarpment to the Bay. The downtown component from King William to Main Streets is the pivotal component of the plan. It was recognized, during the planning stage, that an opportunity to build upon the already established cultural elements existing within the International Village B.I.A. was available e.g. Theatre Aquarius, the Broadway Theatre and the Ballet School. This objective will be achieved through the implementation of: the introduction of a traffic calming system (a woonerf); overhead steel frame structures incorporating lights; electrical service outlets for staging; banners and graphics; a serpentine shaped heritage seatwall; an active water feature and fountain; public art opportunities; and, the planting of shrubs and trees. This will provide an attractive environment to hold many special events, and attract businesses that cater to such events e.g. restaurants, speciality coffee shops etc.

The implementation of the downtown component of the Ferguson Avenue Master Plan was identified as one of the components critical in the revitalization of the downtown at the Hamilton Society of Architects Hamilton Downtown Ideas Charrette.

Total 1997 $779,000

3. **Downtown Action Plan Interconnection Streets - Phase VI**

The intention of the projects is to use the available funds as seed money to partner with private developers for upgrading the streetscaping around their buildings that are situated on the connecting streets in and around the downtown area. The funds will be set aside to react to possible joint ventures as they arise. Contact with developers and other stakeholders in the downtown core will be made in an attempt to form partnerships that will maximize City dollars. Combining of both public and private dollars will assist in fostering a feeling of pride in the local community. The City's recent initiatives to create an environment attractive for private developers to act upon e.g. rebate of redevelopment/development fees, the Convert/Renovate to rent program, should create some activity within the downtown core. The objective of the project is to complement the improvements to the buildings by creating a pedestrian friendly streetscape abutting the projects.

Pedestrian linkages was an issue identified at the Hamilton Society of Architects Hamilton Downtown Ideas Charrette as a critical component of downtown revitalization.

Total 1997 $800,000

4. **Barton Street Revitalization**

The Province of Ontario allocated the City of Hamilton $1M towards the revitalization of Barton Street within the Barton General B.I.A. boundaries. $330,000. of the allocation was earmarked for streetscaping. Phase One has been implemented and, Phase Two will be implemented in 1997. While monies for implementing Phase Two are covered by the Province of Ontario and Hamilton Hydro Electric Systems, the impact on maintenance is estimated at $35,000.

No Municipal Monies
required apart from $35,000 for maintenance impact

5,7, 8,9. **Neighbourhood Revitalization Projects.**

Previously subsidized through the Province of Ontario, the most recent neighbourhood revitalization projects have been covered utilizing 100% municipal monies (Crown Point East/McAnulty Phase One).

Neighbourhoods are identified through the Parks Staff Committee on a needs basis. Existing infrastrucure, incompatible land uses and the amount of park space within the areas are reviewed to determine the areas of prioritization. Recommendations are then channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

Areas identified for improvements include: Crown Point East/McAnulty Phase Two, Stipeley South, Parkview East and West and Blakeley/St. Clair. The cost for each project area amounts to approximately $500,000. with the exception of the Parkview East and West. The Parks Development and Maintenance Section of the Public Works and Traffic Department has completed work at Leaside, Glow and Woodward Park all in the Parkview East and West area, therefore the capital funding allotment for this project area has been reduced to $266,000. in recognition of these commitments.

5.Crown Point East/McAnulty - II Total 2006 and after $542,000
7. Stipeley/South Total 2006 and after $551,000
8. Parkview (East and West) Total 2006 and after $266,000
9. Blakeley/St. Clair Total 2006 and after $532,000

6. <u>Ferguson Avenue Implementation - Pedestrian/Bicycle Link - Phase II</u>

This incorporates the remainder of the Ferguson Avenue Master Plan phases. As previously mentioned an intensive public participation process was undertaken for the preparation of a Master Plan. The process consisted of two and a half years of meetings with a stakeholders group and four public meetings/workshops, where the needs, visions and desires of the community at large were gathered and incorporated into the Master Plan that reflects many aspects of Vision 2020. The Master Plan identifies the opportunity to create a linkage between the Escarpment, the Downtown and the Bay with emphasis on pedestrians and cyclists.

Total 2006 and after $3,121,000

10. <u>Hughson Street Redevelopment - Downtown Action Plan - Phase II</u>

This project at a gross cost $765,000 is the second phase of a two-phase project. Phase II is a logical extension of the pedestrian link from Hunter Street to Charlton Avenue and is recommended for commencement in 2006. This project will serve as a continuation of the pedestrian connection to the GO Station, the downtown core and other major downtown attactions.

Total 2006 and after $765,000

11. **Commercial Improvement Program - Phase II**

The objective of the Program is to finance streetscape improvements on publicly owned lands, subsidize public art within a B.I.A. (wall murals etc.) and, subsidize comprehensive studies undertaken by B.I.A.'s that provide guidelines for future growth and development. Items that have been implemented utilizing monies from Phase I of the Program include: benches, planters, banners, speciality lighting, alleyway lighting, sidewalk widening, speciality paving etc. Monies were also utilized from these funds to set-up accounts to implement the Commercial Property Improvement Program that offers property owners of commercial buildings within B.I.A.'s financial help to upgrade/renovate the interior and exterior of their buildings.

The implementation of this program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Physical improvements together with the synergy created through business development strategies for B.I.A.'s will benefit the businesses through creating a more viable business area, the public through improved service within their neighbourhoods, and the City, since the more viable Hamilton's business areas are, the more taxes are derived.

Total 2006 and after $2,500,000.

DL:HM:hm
P&D97-CapBud

c.c. Mr. A. Ross, City Treasurer, Treasury Department
Mr. N. Adhya, Manager of Budgets, Treasury Department
Mr. R. Chrystian, Manager of Parks Division, Public Works and Traffic Department

The Corporation of the City of Hamilton

1997-2006 PROVISIONAL CAPITAL BUDGET PROGRAM

September - 1996

PUBLIC WORKS & TRAFFIC - COMMUNITY RENEWAL

1997 PROJ NO.	DEPT.	PROJECT DESCRIPTION	PROJECT START	PROJECT FINISH	GROSS COST	RECEIPTS SUBSIDY	NET FINANCING 1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	ANNUAL OPERATING COST	1996 PROJ NO.
1.0	PWD-C	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE I	1997	1997	743		743										26	201.0
2.0	PWD-C	FERGUSON AV IMP. - PED/BICYCLE LINK - PHASE I (KING WILL. - MAIN)	1997	1997	779		779										43	197.0
3.0	PWD-C	DOWNTOWN ACTION PLAN INTERCONNECTING STREETS - PHASE VI	1997	1997	800		800										21	203.0
4.0	PWD-C	BARTON STREET REVITALIZATION	1997	1997	630	630	0										35	NEW
		1997 - Sub -Total - Community Renewal (net City Costs - 4,613)			2,952	630	2,322	0	0	0	0	0	0	0	0	0	125	0
5.0	PWD-C	CROWN POINT EAST/MCANULTY - PHASE II	2006 & After		542											542	7	196.0
6.0	PWD-C	FERGUSON AV IMP. - PED/BICYCLE LINK - PHASE II	2006 & After		3,121											3,121	61	197.0
7.0	PWD-C	STIPELEY SOUTH NEIGHBOURHOOD	2006 & After		551											551	29	198.0
8.0	PWD-C	PARKVIEW (EAST & WEST)	2006 & After		266											266	14	194.0
9.0	PWD-C	BLAKELY/ST. CLAIR REVITALIZATION	2006 & After		532											532	29	200.0
10.0	PWD-C	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE II	2006 & After		765											765	27	204.0
11.0	PWD-C	COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II	2006 & After		2,500											2,500	35	202.0
		1997 - Total - Community Renewal (net City Costs - 13,924)			11,229	630	2,322	0	0	0	0	0	0	0	0	8,277	35	

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Downtown Action Plan - Hughson Street Redevelopment - Phase I
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian path. Therefore streetscaping, pedestrian weather protection, etc. are needed from Hunter to King William Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 1 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The GO Station is a vital link to the downtown area and with improvements to the pedestrian pathway on Hughson Street will encourage more pedestrians to the downtown area hence business development for the core. The physical improvements anticipated will also address the quality of life for Hamilton's residents in conformance with the Central District Study and Vision 2020.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 1997
   (b) COMPLETION DATE (YEAR) December 1997
   (c) GROSS COST (Start Year Dollars) $ 743,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 743,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ 743,000.	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 18,000.
	Building Operations & Maintenance	$ 4,000.
	Other (specify)	$ 4,000.
	GROSS COST (All Inclusive)	$ 26,000.
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 26,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures, a more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	201.0
(b)	AT CITY'S COST OF	$ 743,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

Signature of Department Head/ Local Board Manager

Sep. 17th 96.
Date

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Downtown Phase of the Ferguson Avenue Master Plan - a Pedestrian/Bike Link (King William to Main Streets)
   (b) Type of Project _____
   (c) Location Ferguson Avenue
   (d) Scope/Description of Work The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval the fall of 1995.
   (e) Remarks _____

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department Public Works and Traffic
   (b) Project Name Ferguson Avenue Implementation - Phase II
   (c) Start Year _____
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 2 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The development of the roadway will address the need to reconstruct the existing and bring up to standard and in some areas address the need to construct sidewalks. The linkage will provide the citizens of Hamilton with a complete link from the escarpment to the Bay and the Waterfront trail as well as the Niagara escarpment. The downtown component will create an area for special events and gatherings that will generate business development.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) January 1997
   (b) COMPLETION DATE (YEAR) December 1997
   (c) GROSS COST (Start Year Dollars) $ 779,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 779,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ 779,000.	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing	$ 30,000.
	Building Operations & Maintenance - utilities	$ 6,500.
	Other (specify) equipment	$ 6,500.
	GROSS COST (All Inclusive)	$ 43,000.
(b)	LESS RECOVERY/REVENUE (specify)	$ 0
(c)	NET CITY'S COST	$ 43,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name **H. Milsome**
(b) Basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No __ Yes x; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	197.0
(b)	AT CITY'S COST OF	$ 2,585,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H. Milsome.
Signature of Department Head/ Local Board Manager

24th Oct. 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Planning and Development Department/Public Works and Traffic Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Downtown Pedestrian Friendly Improvements
   (b) Type of Project Downtown Revitalization
   (c) Location Queen Street, Victoria Avenue, Cannon Street to Hunter Street
   (d) Scope/Description of Work This program would undertake ongoing improvements to the Downtown through a series of downtown initiatives such as, but not limited to: a canopy program, improved lighting, recycling boxes, benches, improved signage, flowers, trees and landscaping improvements, murals and public art. These actions further implement downtown initiatives recommended to the Greater Hamilton Downtown Community Development Corporation (GHDCDC) Founding Board.
   (e) Remarks new project

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year _____
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 3 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The revitalization of the downtown has become a major objective of the City. Pedestrian Friendly Improvements will help make the donwtown more attractive for visitors, a major element of the vision for a revitalized downtown. While the program allows for a variey of action/programs under the general umbrella of "pedestrian friendly improvements" each individual action would be subject to City Council approval. In addition, this program also implements some of the actions recommended in "Strong Medicine...A Prescription for the Heart of Hamilton-Wentworth".

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) January 1997
   (b) COMPLETION DATE (YEAR) December 2000
   (c) GROSS COST (Start Year Dollars) $ 2,000,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 2,000,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ 500,000.	- 2002	$
- 1998	$ 500,000.	- 2003	$
- 1999	$ 500,000.	- 2004	$
- 2000	$ 500,000.	- 2005	$
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing	$ 40,000.
	Building Operations & Maintenance	$
	Other (specify) equipment	$ 10,000.
	GROSS COST (All Inclusive)	$ 50,000.
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 50,000.

***Corporately, increased revenues are expected through increased property and business taxes and economic spinoffs from a revitalized downtown core that cannot be quantified at this time.**

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name Not available at this time
(b) Basis of assumptions

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No x Yes __; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)

(b) AT CITY'S COST OF $

(c) SCHEDULED TO START IN THE YEAR

Sep. 17 '96

Signature of Department Head/ Local Board Manager — *Date*

---

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ No ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

APPENDIX 'C'

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Barton Street Revitalization
   (b) Type of Project Street
   (c) Location Barton Street (Wellington to Wentworth Streets)
   (d) Scope/Description of Work To create a pedestrian friendly environment through the planting of trees/flowers, placement of benches and garbage receptacles. Replacement of wooden poles with concrete poles.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 4 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Streetscaping improvements to Barton Street is crucial to the revitalization of the area, resulting in increased pedestrian traffic and positive impact on the economics of the area.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. PROJECT:

(a)	START DATE (YEAR)	January 1997
(b)	COMPLETION DATE (YEAR)	December 1997
(c)	GROSS COST (Start Year Dollars)	$ 630,000.
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$ 230,000.
(e)	LESS OTHER RECEIPTS (Specify) Hamilton Hydro Electric Systems	$ 400,000.
(f)	NET CITY'S COST	$ 0.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ _____

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ ~~25~~ 30,000.
	Building Operations & Maintenance - utilities	$ 5,000.
	Other (specify) _____	$ _____
	GROSS COST (All Inclusive)	$ ~~23~~ 35,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
	_____	
(c)	NET CITY'S COST	$ ~~23~~ 35,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Based on input received at public meetings with costs from previous Capital Projects of similar scope.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No x Yes __; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program) _____

(b) AT CITY'S COST OF $ _____

(c) SCHEDULED TO START IN THE YEAR _____

H. Milsome. 4th Nov. 96.

Signature of Department Head/ Local Board Manager — *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Crown Point East/McAnulty Phase II
   (b) Type of Project _____
   (c) Location _____
   (d) Scope/Description of Work This is the second phase of a two-phase project stressing improvements to the Pipeline Park in the Crown Point East Neighbourhood and St. Christopher's Park in the McAnulty Neighbourhood, along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.
   (e) Remarks _____

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year _____
   (d) Net City Cost $ _____

4. **DEPARTMENT PRIORITY ORDER:** # 5 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
This project will address the dilapitation of the existing infrastructure within the neighbourhood and improve the quality of life of the residents through the development of parks, buffering of incompatible uses, etc. The neighbourhoods were identified as a priority due to the degree of decaying infrastructure and lack of park space.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) January 2006
   (b) COMPLETION DATE (YEAR) and AFTER
   (c) GROSS COST (Start Year Dollars) $ 542,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 542,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 542,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 5,600.
	Building Operations & Maintenance - equipment	$ 700.
	Other (specify) utilities	$ 700.
	GROSS COST (All Inclusive)	$ 7,000.
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 7,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions At time of original submission amount based on matching maximum.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	196.0
(b)	AT CITY'S COST OF	$ 407,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H. Milsome
Signature of Department Head/ Local Board Manager

Sep. 17th 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Ferguson Avenue Implementation - Pedestrian/Bike Link - Escarpment and the Bay - Phase II
   (b) Type of Project
   (c) Location Ferguson Avenue
   (d) Scope/Description of Work The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval the fall of 1995.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**

(a)	Submitting Department	Public Works and Traffic - Community Renewal
(b)	Project Name	Ferguson Avenue Implementation - Phase I
(c)	Start Year	1997
(d)	Net City Cost	$ 1,070,000.

4. **DEPARTMENT PRIORITY ORDER:** # 6 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The development of the roadway will address the need to reconstruct the existing and bring up to standard and in some areas address the need to construct sidewalks. The linkage will provide the citizens of Hamilton with a complete link from the escarpment to the Bay and the Waterfront trail as well as the Niagara escarpment. The downtown component will create an area for special events and gatherings that will generate business development.

6. **FEASIBILITY STUDY:**

(a)	START DATE (YEAR)	
(b)	COMPLETION DATE (YEAR)	
(c)	GROSS COST	$

7. **PROJECT:**

(a)	START DATE (YEAR)	January 2006
(b)	COMPLETION DATE (YEAR)	and AFTER
(c)	GROSS COST (Start Year Dollars)	$ 3,121,000.
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$
(e)	LESS OTHER RECEIPTS (Specify)	$
(f)	NET CITY'S COST	$ 3,121,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ 3,121,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 43,000.
	Building Operations & Maintenance - utilities	$ 9,000.
	Other (specify) equipment	$ 9,500.
	GROSS COST (All Inclusive)	$ 61,000.
(b)	LESS RECOVERY/REVENUE (specify)	$ 0
(c)	NET CITY'S COST	$ 61,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	197.0
(b)	AT CITY'S COST OF	$ 2,640,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

_____ Dec. 24th 96.
Signature of Department Head/ Local Board Manager *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Stipeley South Neighbourhood
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major requirements.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 7 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The lack of park space must be addressed to improve the quality of life of the residents other improvements will result in addressing the decaying infrastructure and the buffering of residential and industrial lands. This area has been identified as one of the priority neighbourhoods that need to be revitalized due to the deteriorating conditions of the infrastructure.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 2006
   (b) COMPLETION DATE (YEAR) and AFTER
   (c) GROSS COST (Start Year Dollars) $ 551,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 551,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 551,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 20,000.
	Building Operations & Maintenance - utilities	$ 4,500.
	Other (specify) equipment	$ 4,500.
	GROSS COST (All Inclusive)	$
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 29,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	198.0
(b)	AT CITY'S COST OF	$ 413,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H. Milsome
Signature of Department Head/ Local Board Manager

Sept. 11th 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Parkview (East and West)
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 8 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The projects implemented under this program will address the dilapidated infrastructure in the neighbourhood and address the need to redevelop/develop park space. The quality of life of the residents must be improved and has been identified as one of the priority neighbourhoods to be revitalized due to the existing conditions of the infrastructure.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 2006
   (b) COMPLETION DATE (YEAR) and AFTER
   (c) GROSS COST (Start Year Dollars) $ 266,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 266,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 266,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 10,000.
	Building Operations & Maintenance - utilities	$ 2,000.
	Other (specify) equipment	$ 2,000.
	GROSS COST (All Inclusive)	$ 14,000.
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 14,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	19[illegible]9.0
(b)	AT CITY'S COST OF	$ 200,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H. Milsome. Sep. 17th 96.
Signature of Department Head/ Local Board Manager *Date*

12. *FUNDING (Treasury Department To Complete):*

(a). NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Blakeley/St. Clair Revitalization
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Improvements to parks, recreational, hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward three and bounded by Wentworth, Gage, Main Streets and the base of the Escarpment.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 9 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Development of parkland will address the shortage within these neighbourhoods. Improvements to the existing infrastructure will enhance the quality of life of the residents of the area. These neighbourhoods were identified as a priority due to the existing conditions of the infrastructure and lack of parkland.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c). GROSS COST $

7. PROJECT:
   (a) START DATE (YEAR) January 2006
   (b) COMPLETION DATE (YEAR) and AFTER
   (c) GROSS COST (Start Year Dollars) $ 532,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 532,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ 765,000.

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing	$ 19,000.
	Building Operations & Maintenance	$ 4,000.
	Other (specify) _____	$ 4,000.
	GROSS COST (All Inclusive)	$ 27,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
	_____	
(c)	NET CITY'S COST	$ 27,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	204.0
(b)	AT CITY'S COST OF	$ 765,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

_____ Sept. 17th 96.
Signature of Department Head/ Local Board Manager *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Commercial Improvement Programme - Phase II
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Phase II of the Commercial Improvement Programme will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 11 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Through the implementation of physical improvements within the existing B.I.A.'s and newly created B.I.A.'s, together with the promotion and marketing of the areas by the B.I.A.'s themselves, and the educational component for businesses as addressed through the annual Business Development Seminar, co-ordinated by the City of Hamilton, the commercial districts will attract new business thus having a positive impact on the surrounding neighbourhoods and the tax base, and ultimately the image of the City of Hamilton.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 2006
   (b) COMPLETION DATE (YEAR) and AFTER
   (c) GROSS COST (Start Year Dollars) $ 2,500,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 2,500,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ 2,500,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 25,000.
	Building Operations & Maintenance - utilities	$ 5,000.
	Other (specify) equipment	$ 5,000.
	GROSS COST (All Inclusive)	$ 35,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 35,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) Project Manager's Name H. Milsome

(b) Basis of assumptions Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created. New B.I.A.'s established since the implementation of Phase I Commercial Improvement Programme will not have the resources to improve their physical boundaries.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	202.0
(b)	AT CITY'S COST OF	$ 2,500,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

_____ Sep. 17th 96.
Signature of Department Head/ Local Board Manager *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 4 NOV 0 5 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
869 Queensdale Ave E (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Joseph Kennedy, 869 Queensdale Avenue East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Joseph Kennedy in the amount of $2,000. The furnace has been replaced, and the Department recommends approval in the amount of $2,000 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

Cb)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 8 NOV 1 : 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1508 UPPER JAMES STREET - Tag Number 97570
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1508 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: G-1 'H'/S-1230 (Map W-9D)

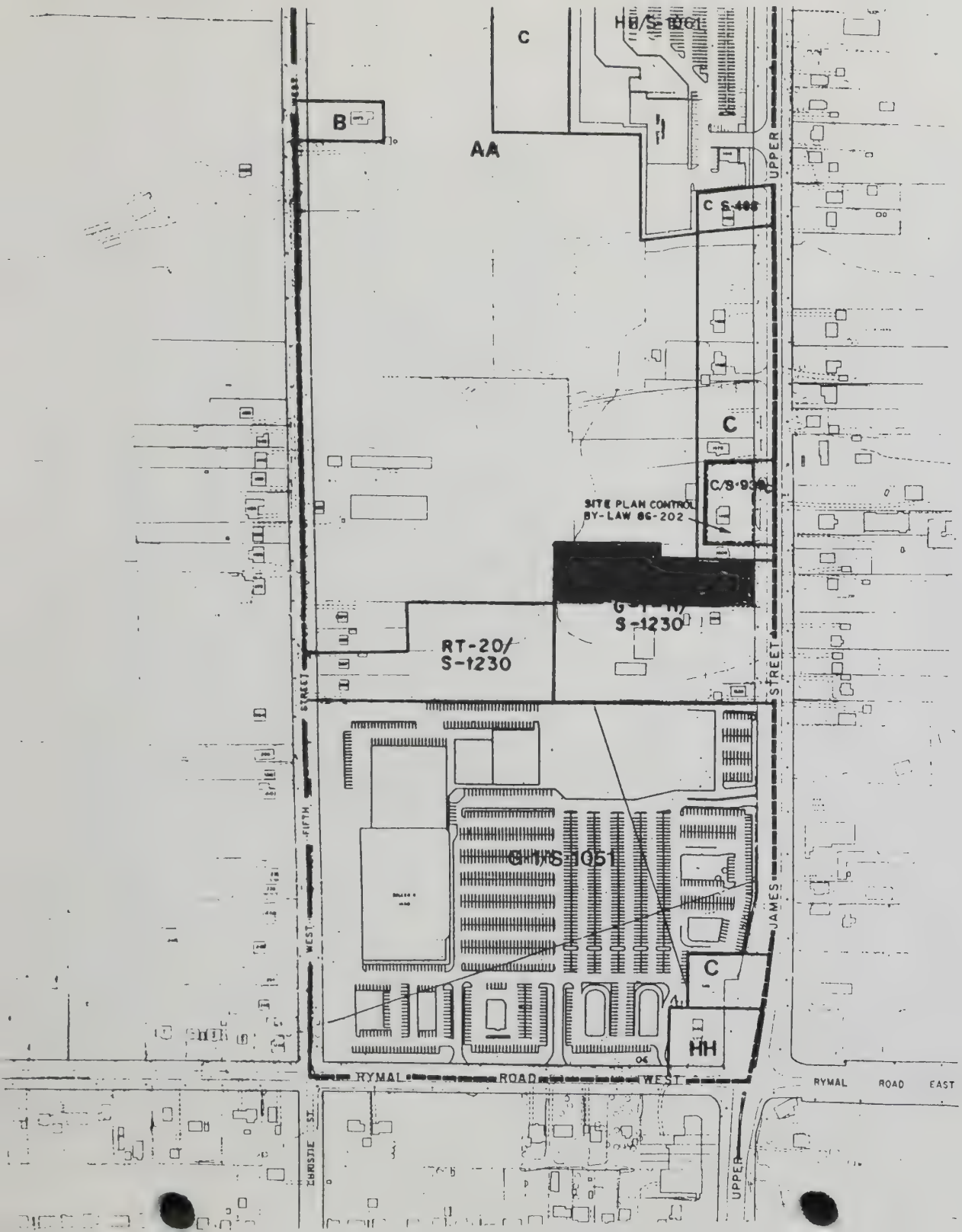
PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner wishes to demolish the existing two storey single family dwelling. The building is located in the Mewburn Neighbourhood (see attached neighbourhood map). This dwelling is of interest to the Local Architectural Advisory Committee, but has not been designated. The owner, at this time, did not specify the proposed use. In 1991, the zoning was changed from an "AA" (Agricultural) zone to a "G-1" (Commercial) zone. There has been no recent application for a Development Agreement, although a preliminary site plan was received by the Planning Department in June 1996. A land severance was obtained in 1992, H-61-92 (please see attached). As of today's date, there has been no recent application to the Committee of Adjustment. Lot size 117.120 x 525.790.

The owner of the property as per the demolition permit is:
Rosland Properties, 226 South Service Road East, Oakville, Ontario, L6J 2X5
The applicant as per the demolition permit is:
Vince DiBernardo, 226 South Service Road East, Oakville, Ontario, L6J 2X5

ND/zr



SUBJECT PROPERTY

1508 UPPER JAMES

53 | 86 | 82
121 | 101 | 119
83 | 83 | 6

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAMILT

MEWBURN

ZONING

Neighbourhood Boundary
Zoning Boundary

0
SCALE 50m

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO
7604

copy circulated July 28/92.

1508-1530 Upper James Street

THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

LAND DIVISION COMMITTEE

NOTICE OF DECISION

APPLICATION NO: H-61-92

SUBMISSION NO: B-123-92

IN THE MATTER OF The Planning Act;

AND IN THE MATTER OF the Premises known as Municipal No. 1508 - 1530 Upper James Street and being composed of Part of Lot 15, Con. 8, formerly in the Township of Barton, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth.

AND IN THE MATTER OF AN APPLICATION BY Bartolini, Berlingieri (Aldo P. Berlingieri), 154 Main Street East, Suite 201, Hamilton, Ontario on behalf of Giovanni Fortino, (in trust), 1075 Old Mohawk Road, R.R. #1, Ancaster, Ontario.

AND HAVING HAD REGARD TO THE PROVISIONS OF SECTION 51(4) OF THE PLANNING ACT, the decision of the Committee is that the application for consent to establish a right-of-way measuring 6m x 40m for access purposes be APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal does not contravene Zoning By-law requirements.

3. The Committee considers the applicant(s) bona-fide retiring farmer(s).

4. The right-of-way is a Site Plan requirement.

The Approval is granted on the condition that the applicant:

1. Satisfy ALL relevant requirements of the City of Hamilton.

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(20)).

JUL 30 1992

Dated this 23rd day of June, 1992

Secretary-Treasurer

PLEASE NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS July 23, 1992.

Cc)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 8 NOV 1 : 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1514 UPPER JAMES STREET - Tag Number 97569
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1514 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: G-1 'H'/S-1230 (Map W-9D)

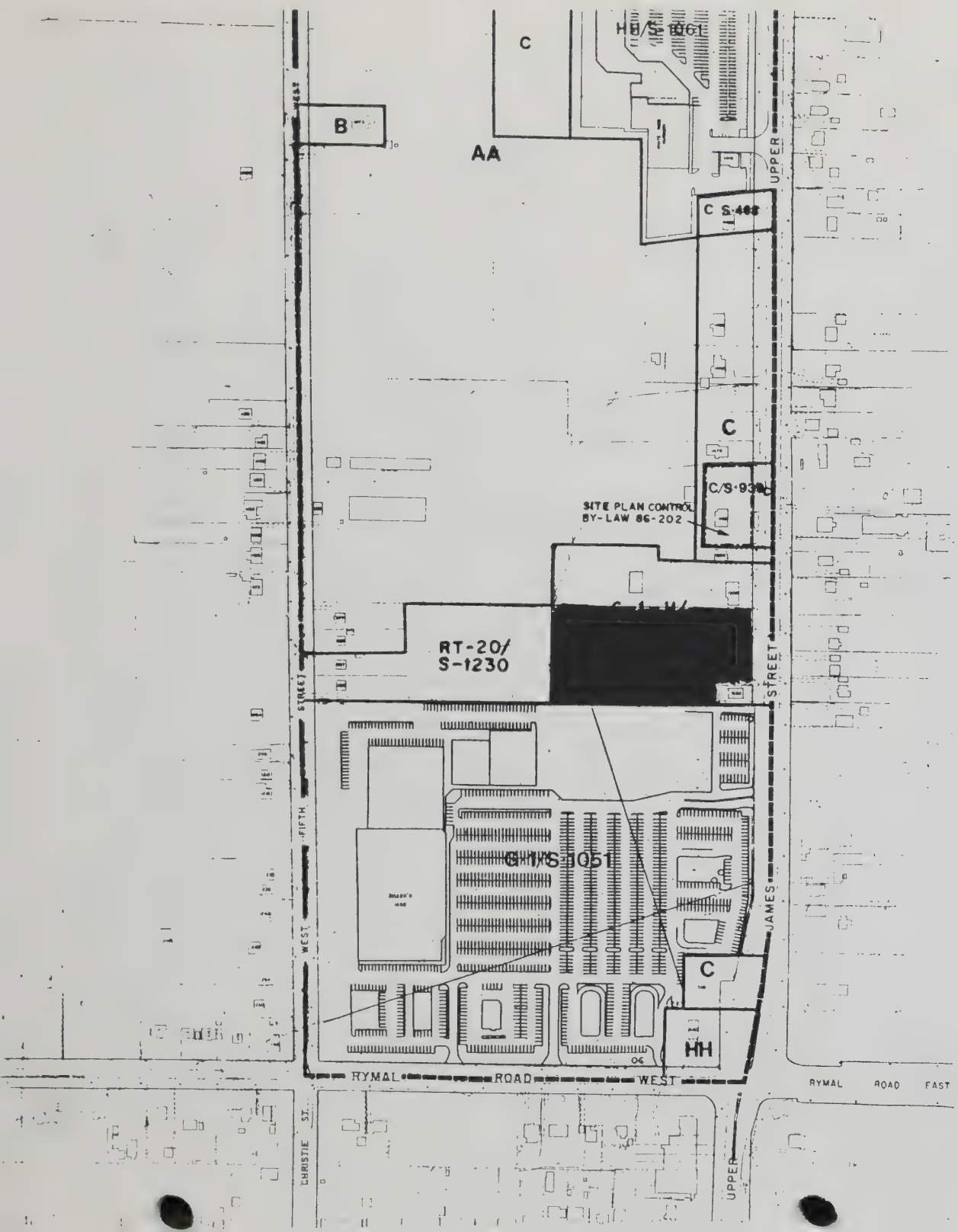
PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner wishes to demolish the existing one and a half storey single family dwelling. The building is located in the Mewburn Neighbourhood (see attached neighbourhood map). The owner, at this time, did not specify the proposed use. In 1991, the zoning was changed from an "AA" (Agricultural) zone to a "G-1" (Commercial) zone. There has been no recent application for a Development Agreement, although a preliminary site plan was received by the Planning Department in June 1996. A land severance was obtained in 1992, H-61-92 (please see attached). As of today's date, there has been no recent application to the Committee of Adjustment. Lot size 248 x 926.590.

The owner of the property as per the demolition permit is:
Rosland Properties, 226 South Service Road East, Oakville, Ontario, L6J 2X5
The applicant as per the demolition permit is:
Vince DiBernardo, 226 South Service Road East, Oakville, Ontario, L6J 2X5

ND/zr



SUBJECT PROPERTY

1514 UPPER JAMES

53 86 82

121 101 119

83 83 6

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAMILTO

MEWBURN

ZONING

Neighbourhood Boundary

Zoning Boundary

0 100

SCALE 50m

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO.
7604

copy circulated July 08/92.

1508-1530 Upper James Street (1514)

THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

LAND DIVISION COMMITTEE

NOTICE OF DECISION

APPLICATION NO: H-61-92

SUBMISSION NO: B-123-92

IN THE MATTER OF The Planning Act;

AND IN THE MATTER OF the Premises known as Municipal No. 1508 - 1530 Upper James Street and being composed of Part of Lot 15, Con. 8, formerly in the Township of Barton, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth.

AND IN THE MATTER OF AN APPLICATION BY Bartolini, Berlingieri (Aldo P. Berlingieri), 154 Main Street East, Suite 201, Hamilton, Ontario on behalf of Giovanni Fortino, (in trust), 1075 Old Mohawk Road, R.R. #1, Ancaster, Ontario.

AND HAVING HAD REGARD TO THE PROVISIONS OF SECTION 51(4) OF THE PLANNING ACT, the decision of the Committee is that the application for consent to establish a right-of-way measuring 6m. x 40m for access purposes be APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the applicant(s) bona-fide retiring farmer(s).
4. The right-of-way is a Site Plan requirement.

The Approval is granted on the condition that the applicant:

1. Satisfy ALL relevant requirements of the City of Hamilton.

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(20)).

JUL 30 1992

Dated this 23rd day of June, 1992

Secretary-Treasurer

PLEASE NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS July 23, 1992.

Cd)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 3 1996

DATE: 1996 November 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Building Department
1997 - 2006 Provisional Capital Budget

RECOMMENDATION:

(a) That the attached capital projects from the Building Department be considered for inclusion in the ten year 1997-2006 Provisional Capital Budget; and,

(b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

See attached submission.

LCK/MM/dc

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Building Department

2. **PROJECT SUMMARY:**
(a) Name (max. of 45 characters) Hamilton Downtown Convert/Renovate-to-Rent Loan Program
(b) Type of Project The City will provide interest free loans to owners of commercial properties for conversions to/renovations of apartment units.
(c) Location
(d) Scope/Description of Work Pursuant to its mandate of Community Improvement and Renewal under the Planning Act and cognizant of the need to revitalize the downtown core, the City of Hamilton's Downtown Convert/Renovate to Rent Loan program will provide interest free loans to owners of commercial properties for conversions of vacant upper floor non-residential premises into apartments. Also renovations to existing apartments in commercial buildings to bring them in compliance with the property standards by-law and fire code.

(e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
(a) Submitting Department
(b) Project Name
(c) Start Year
(d) Net City Cost $ 0

4. **DEPARTMENT PRIORITY ORDER:** # 1 of __

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	Yes
(e)	ECONOMIC DEVELOPMENT	Yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	Yes
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The program will increase the number of residents in the downtown core, improve the structure, utility and appearance of buildings, improve health and save lives of residents by upgrading to the fire code. It will create construction jobs, provide needed housing, better utilize existing infrastucture through intensification and generate new tax revenue.

6. **FEASIBILITY STUDY:**
(a) START DATE (YEAR) NIL
(b) COMPLETION DATE (YEAR)
(c) GROSS COST $ 0

7. **PROJECT:**
(a) START DATE (YEAR) JAN/1997
(b) COMPLETION DATE (YEAR) DEC/1998
(c) GROSS COST (Start Year Dollars) $ 200,000
(d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $ 0
(e) LESS OTHER RECEIPTS (Specify) $
(f) NET CITY'S COST / Loan repayments will be recycled. $ 200,000

Note: all amounts rounded to the nearest thousand dollars

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ 200,000	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

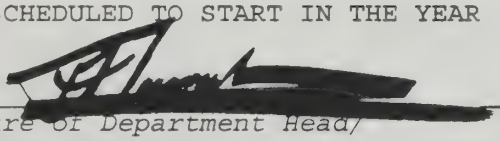
(a)	Staffing		$ 0
	Building Operations & Maintenance		$ 0
	Other (specify) _____	$ 0	
	GROSS COST (All Inclusive)		$ 0
(b)	LESS RECOVERY/REVENUE (specify) _____	$ 0	
(c)	NET CITY'S COST		$ 0

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name **Mark Mascarenhas**
(b) Basis of assumptions _____

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No X Yes _; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	_____
(b)	AT CITY'S COST OF	$ 0
(c)	SCHEDULED TO START IN THE YEAR	1997



Nov 13/96

Signature of Department Head/ Local Board Manager — *Date*

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Building Department

2. **PROJECT SUMMARY:**
(a) Name (max. of 45 characters) Hamilton Downtown Convert/Renovate-to-Rent Loan Program
(b) Type of Project The City will provide interest free loans to owners of commercial properties for conversions to/renovations of apartment units.
(c) Location
(d) Scope/Description of Work Pursuant to its mandate of Community Improvement and Renewal under the Planning Act and cognizant of the need to revitalize the downtown core, the City of Hamilton's Downtown Convert/Renovate to Rent Loan program will provide interest free loans to owners of commercial properties for conversions of vacant upper floor non-residential premises into apartments. Also renovations to existing apartments in commercial buildings to bring them in compliance with the property standards by-law and fire code.

(e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
(a) Submitting Department
(b) Project Name
(c) Start Year
(d) Net City Cost $ 0

4. **DEPARTMENT PRIORITY ORDER:** # 2 of __

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	Yes
(e)	ECONOMIC DEVELOPMENT	Yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	Yes
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The program will increase the number of residents in the downtown core, improve the structure, utility and appearance of buildings, improve health and save lives of residents by upgrading to the fire code. It will create construction jobs, provide needed housing, better utilize existing infrastucture through intensification and generate new tax revenue.

6. **FEASIBILITY STUDY:**
(a) START DATE (YEAR) NIL
(b) COMPLETION DATE (YEAR)
(c) GROSS COST $ 0

7. **PROJECT:**
(a) START DATE (YEAR) JAN/1998
(b) COMPLETION DATE (YEAR) DEC/2002
(c) GROSS COST (Start Year Dollars) $ 800,000
(d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $ 0
(e) LESS OTHER RECEIPTS (Specify) $ 0
(f) NET CITY'S COST / Loan repayments will be recycled $ 800,000

Note: all amounts rounded to the nearest thousand dollars

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ 0	- 2002	$
- 1998	$ 200,000	- 2003	$
- 1999	$ 200,000	- 2004	$
- 2000	$ 200,000	- 2005	$
- 2001	$ 200,000	- 2006	$

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a) Staffing $ 0
Building Operations & Maintenance $ 0
Other (specify) _____ $ 0

GROSS COST (All Inclusive) $ 0

(b) LESS RECOVERY/REVENUE (specify) _____ $ 0

(c) NET CITY'S COST $ 0

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**

(a) Project Manager's Name **Mark Mascarenhas**
(b) Basis of assumptions
_____

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program) _____

(b) AT CITY'S COST OF $ 0

(c) SCHEDULED TO START IN THE YEAR 1998

_____ NOV 13/96
Signature of Department Head/ Local Board Manager *Date*

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12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ *No* __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

Da)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 13

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **1997 Meeting Schedule -**
Planning and Development Committee

RECOMMENDATION:

That the attached schedule of meetings for the Planning and Development Committee 1996 be approved.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

TA/jt

cc: B. Carter, Administrative Assistant
City Clerk's Office

PLANNING AND DEVELOPMENT COMMITTEE

SCHEDULE OF MEETINGS FOR 1997

Report titles to be listed in the "S" Directory by 5:00 o'clock p.m.	**Reports to be submitted to Committee Secretary by 12:00 o'clock noon.**	**Agenda Review Meetings @ 10:00 o'clock a.m. in Room 264, with the one exception (indicated with an "*") - in Room 233.**	**Committee Meetings @ 9:30 o'clock a.m. in Room 233.**	**City Council Meetings @ 7:30 o'clock p.m.**
January 10	January 14	* January 16	January 22	January 28
January 24	January 28	January 30	February 5	February 11
February 7	February 11	February 13	February 19	February 25
February 21	February 25	February 27	March 5	March 11
March 7	March 11	March 13	March 19	March 25
March 21	March 25	March 27	April 2	April 8
April 11	April 15	April 17	April 23	April 29
April 25	April 29	May 1	May 7	May 13
May 9	May 13	May 15	May 21	May 27
June 6	June 10	June 12	June 18	June 24
June 20	June 24	June 26	July 2	July 8
August 8	August 12	August 14	August 20	August 26
September 12	September 16	September 18	September 24	September 30
September 26	September 30	October 2	October 8	October 14
October 10	October 14	October 16	October 22	October 28
October 24	October 28	October 30	November 5	November 11
November 7	November 11	November 13	November 19	November 25
November 21	November 25	November 27	December 3	December 9

06)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 14

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commssioner re: Time Frame for Review/Issuance of Permits, dated 1996 November 6

(b) Law Department re: 1996 October 15 Letter from John J. Ross re: Student Housing, dated 1996 November 8

(c) Secretary, LACAC re: Minutes of the Meeting held 1996 October 8, dated 1996 November 11

(d) Promethean electronics re: Mohawk College Radio Tower, dated 1996 November 4

(e) Building Commissioner re: regulation of Mobile SIgns- Status Report, dated 1996 November 14

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

T Agnello

BACKGROUND: N/A

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
DEC 2 1996
GOVERNMENT DOCUMENTS

Wednesday, 1996 December 4
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Conversion to Condominium, 914 Mohawk Road East, CD-96-002.

2. Draft Plan of Subdivision SAC-96-03, by Gus & Mike Holdings Ltd., owner, for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

3. Zoning Application 96-05 and Draft Plan of Subdivision SAC-96-01 "Olmsted Park", by Paul Silvestri, owner, for changes in zoning for lands located at 177 Rymal Road East and 1684 Upper Wellington Street.

4. Zoning Application 96-12, by 583783 Ontario Incorporated, owner, for modifications in zoning for lands located at 10 Herkimer Street and 9 and 11 Charlton Avenue West.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 December 4

5. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Response to General Text Amendment to Zoning By-Law No. 6593 proposal - 195 Ferguson Avenue North (Wesley Urban Ministries)

(b) Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee

(c) CI-91-I, Mobile Signs Working Committee - Status Report

6. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization, Streetscaping - Burial of Overhead Wires (second report)

7. CITY SOLICITOR

OMB Hearing, 280 Weir Street North - Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32

8. CONSENT AGENDA

9. OTHER BUSINESS

10. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	ZAC-93-42 : Rear of 1094 Upper Sherman Avenue, By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
3.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
4.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
5.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
6.	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
7.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
8.	Illegal Mobile Signs	1996 October 23	Planning, Building, Law, and Transportation/Environment Depts.to draft report on a) plan for removal of illegal mobile signs and, b) allow for strict penalties in Streets By-Law	Report Forthcoming
9.	Rendering plants	1996 October 23	Public meeting to be held and performance standards to be established	Report Forthcoming
10.	Downtown Charette	1996 October 23	Planning Department to review and prepare a report	Report Forthcoming
11.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
	Wesley Urban Ministries: Zoning for "Drop -In" Centres	1996 November 6	Referred to Plannning Staff for report	Report Forthcoming
13.	Barton Street Revitalization-Streetscaping and Hydro Wires	1996 November 6	Tabled pending further information	Revised report forthcoming

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
14.	ZA-96-11 ,73 Garfield Avenue South	1996 November 20	Pending meeting with applicant	Tabled

1996 November 26

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 ? 1996

DATE: 1996 November 25
(CD-96-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-96-002 -
914 Mohawk Road East, Lisgar Neighbourhood

RECOMMENDATIONS:

(a) That approval be given to Application CD-96-002, under the Rental Housing Protection Act, Jose da Silva, owner, for conversion of 16 rental row houses to condominium units for the property located at 914 Mohawk Road East, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than seven years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval;

3. that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

4. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation

Act, as amended;

5. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

6. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least seven years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

3. That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an

assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Jose da Silva, owner.

Existing Building

The subject property is comprised of sixteen row house units with twenty on-site parking spaces. Each of the units is a two-bedroom unit. The year of construction is not known. As of July 22, 1996, none of the 16 units in the complex was vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 914 Mohawk Road East was submitted to the City on July 22, 1996. The subject property is shown on the attached key map. The proposal is to convert 16 row house units to condominium. The agent for the applicant has indicated the units will be sold for "in the $65,000 - $70,000 range." The applicant's agent has also indicated that existing tenants can purchase their units for $3,500 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

Proposed Conversion Details

The information package submitted with the application describes the interior and exterior building improvements, financing details for those interested in purchasing and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent. The information package notes renovations will occur to each of the units upon registration of the condominium. These renovations include the following:

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. All storm doors will be replaced.
e. The parking lot will be repaired or replaced.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms that need replacement will be replaced.
d. All bathroom tiles and floors that need replacement will be replaced.
e. All kitchen floors and counters that need replacement will be replaced.

Rent Details

The monthly rental charges for the units, effective July, 1996, are as follows:

- Eight units have a monthly rental charge of less than $598 per month (with the lowest rent being $561 per month);
- Seven units have a monthly rental charge of $598 per month; and,
- Two units have a monthly rental charge of greater than $598 per month (with the highest being $611 per month).

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 914 Mohawk Road East are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;

ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or

iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 16 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 16 rental units will not adversely affect the supply of affordable rental housing in the City. In June of 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: Essential Criteria and Criteria for which Conditions may be Instituted. The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.

2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).
3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions may be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit type and price.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 6 - Hamilton Mountain".

Essential Criteria:

Vacancy Rates - All Unit Types

The vacancy for the City, for all unit types, was 2.6 percent in October of 1995 (latest available CMHC data). The vacancy rate for the Hamilton Mountain Zone was 1.1 percent. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Row House Units

The rental vacancy rate for the City was 5.8 percent for row house units. The row house vacancy rate for the Hamilton Mountain Zone was recorded at 2.0 percent in October, 1995. The rental market for row houses, in the Hamilton Mountain Zone, has been tightening up in the last four years. The current vacancy rate of 2.0 percent in this zone has been steady for the last year. However, prior to 1995, the vacancy rate for row houses in the Hamilton Mountain Zone has been as high as 7.9 percent (in 1994).

Impact of Conversion on Vacancy Rate

There will be a negligible increase in the vacancy rates for the City and the Hamilton Mountain Zone (overall and for row houses); the increase in the vacancy rate will be approximately 0.07 percent. The small increase in the post-conversion vacancy rate is attributable to two factors: the smaller number of units in the universe with the removal of the 16 units and the fact that

none of the subject units is vacant (which means there is no reduction in the number of vacant units in the stock if the units are converted).

Rental Pricing

Average Rent Levels
October, 1995

	Total Hamilton	Ham. Mtn. Zone	Subject Property
Row House Units	$607	$676	$591

As shown in the table above, the row house monthly rents in the subject property are lower than the average rent levels for Hamilton as a whole and in the Hamilton Mountain Zone. The subject units are priced approximately three percent lower than the average row house unit within the City and approximately fourteen percent lower than the average row house unit in the Hamilton Mountain Zone.

Criteria for Which Conditions May be Instituted:

Potential Alternative Accommodation

The removal of the 16 units would reduce the overall supply of rental housing in the City and the zone. Removal of these sixteen units from the stock of rental row housing would represent a reduction of 1.3 percent in the 1,241 rental row house units in the City and a two percent reduction in the rental row house units (stock of 788 units) in the Hamilton Zone.

The reduction in the stock is small in percentage terms for both the City and Hamilton Mountain zone. However, the stock of rental row houses is considerably smaller than the stock of apartment units; there are over 30,000 apartment units in the City compared to 1,241 row house units in the rental stock. Removal of these units from the rental supply will diminish the stock of rental row housing in the City. In addition, Council has approved the conversion to condominium for two other row house projects in the Hamilton Mountain Zone: 11-23 Courtland Avenue (CD-95-011; 15 units) and 1120 Garth Street/101 Bonaventure Drive (CD-96-001; 25 units). These two applications represent a five percent reduction in the stock of rental row housing in the Hamilton Mountain Zone. Should the subject application be approved, the cumulative effect will be to reduce the stock of rental row housing in the Hamilton Mountain Zone by 7.1 percent.

As of October, 1995 there were approximately 16 vacant row house units in the Hamilton Mountain Zone. In the City as a whole, there were 72 vacant row house units. Should these units be converted, any existing tenants who choose not to buy their unit will have little choice in terms of vacant alternative accommodation in the City and in the Hamilton Mountain Zone.

Affordability of Units

In the past, a review of the rents for proposals for conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $23,469 per year.

Monthly Carrying Costs

A review of the monthly carrying costs for any tenant purchasing the unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing interest rates at the time of preparation of this report are used in the mortgage calculation; and,
3. Property taxes are approximately $125 per month.

On this basis, the monthly mortgage payment for a unit sold for $70,000 would be $426; the additional property taxes ($125 per month) would bring the monthly total to $551. This figure is exclusive of condominium fees, which are not known at this point in time. From this perspective, the units, as ownership, are comparably priced to the existing rental pricing. For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of November 19, 1996), row house units would be affordable to households earning approximately $20,000 to $23,000.

Summary

In summary, the application for conversion meets most of the criteria used in evaluating conversions. However, the following are the issues with regard to this application:

1. The reduction of the overall supply of row house rental units in the City and the Hamilton Mountain Zone; and,
2. The existing units are lower in average rental price (by 14 percent) than similar units in the zone.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. The owner is offering the following options for tenants who do not wish to purchase a unit:

- Signing a 1 to 4 year lease for the tenant's current unit;
- The owner finding and arranging new accommodation; and,
- Continuing their present month-to-month tenancy.

TENANT INFORMATION MEETING:

On October 28, 1996, the tenant information meeting was held with the tenants, the applicant, the Ward Aldermen, and staff of the Planning and Development Department. Approximately one-half of the tenants of the 16 units were in attendance at the meeting. Concerns raised at the meeting included:

1. There is one water meter for the entire site, located in one of the units. The tenants would prefer to have individual water meters.
2. How the condominium fees would be determined, if the conversion is approved.
3. How the actual purchase price will be determined and whether the units will be appraised individually.

There appears to be support for the conversion of the building to condominium by at least one-half of the tenants. This is evidenced by the information submitted by the applicant, the views expressed at the tenant information meeting, and the cards returned to the Planning and Development Department. It should be noted that, although there is support for the condominium conversion, five tenants are interested in purchasing a unit now; four are interested in purchasing a unit within three years; and the remaining seven wish to remain as tenants. This information was provided on information sheets submitted with the application.

COMMENTS:

1. The application can be supported for the following reasons:

    a) The vacancy rates for row house units, in the City and in the Hamilton Mountain Zone, are above 2.0 percent, which is considered indicative of a healthy rental housing market.

    b) The conversion to condominium of these units will provide an opportunity for affordable home ownership. In fact, the units are generally more affordable as ownership units than as rental units.

2. In the previous section of this report, concerns were noted regarding the rental pricing of these units in comparison to the average rental price in the zone and the fact that the impact of approving this application with the other two applications in the zone will reduce the stock of rental row housing by 7.1 percent in the Hamilton Mountain Zone. With regard to the rental pricing, the units are lower on average than comparable units in the zone. Tenants electing not to purchase their unit may have difficulty finding a similarly priced unit. This issue can be addressed by providing existing tenants with a fixed duration of tenancy at the current rental price (plus any guideline increases). In the past, where the rental pricing of the units has been lower than the average rent for similar units in the zone, Council has provided a longer duration of guaranteed tenancy for existing tenants. In one instance (174 Herkimer Street), the duration of guaranteed tenancy was nine years to address the low rental pricing of the units. For the subject property, a guaranteed tenancy of seven years would be appropriate, to recognize the issue

of rental pricing.

In terms of the rental stock of row house units in the Hamilton Mountain Zone, the reduction of the stock by allowing these conversions will be minor. One problem that continues to arise is determining the actual rental stock of row house units. CMHC's data measures rental projects in the private sector. Public sector rental units that rent for market price are not included. In addition, condominiums that are rented for investment purposes are not included in CMHC's data. These two factors mean that the CMHC data understates the rental stock, although there is no information on the number of additional units that are rented condominiums and market rent public units. However, it should be noted that further applications will have to be reviewed for the cumulative impact of conversion of row house units. Staff will continue to monitor the row house stock, particularly in light of conversion of row house units and their removal from the rental stock.

3. For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department: there is a site specific by-law on the site which details the yards, building placement, and parking.
- Treasury Department: the property taxes for the site are currently paid.

CONCLUSION:

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 16 units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Hamilton Mountain Zone. The proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional seven-year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

MLT/

APPENDIX "A"

MONTHLY RENTAL CHARGES AS OF JULY 22, 1996

914 Mohawk Road East

Unit 01	914 Mohawk Road East Unit 01 Hamilton, Ontario L8T 2R8 Rent: $598.00
Unit 02	914 Mohawk Road East Unit 02 Hamilton, Ontario L8T 2R8 Rent: $584.00
Unit 03	914 Mohawk Road East Unit 03 Hamilton, Ontario L8T 2R8 Rent: $611.00
Unit 04	914 Mohawk Road East Unit 04 Hamilton, Ontario L8T 2R8 Rent: $584.00
Unit 05	914 Mohawk Road East Unit 05 Hamilton, Ontario L8T 2R8 Rent: $598.00
Unit 06	914 Mohawk Road East Unit 06 Hamilton, Ontario L8T 2R8 Rent: $598.00
Unit 07	914 Mohawk Road East Unit 07 Hamilton, Ontario L8T 2R8 Rent: $598.00
Unit 08	914 Mohawk Road East Unit 08 Hamilton, Ontario L8T 2R8 Rent: $578.00
Unit 09	914 Mohawk Road East Unit 09 Hamilton, Ontario L8T 2R8 Rent: $590.00
Unit 10	914 Mohawk Road East Unit 10 Hamilton, Ontario L8T 2R8 Rent: $598.00
Unit 11	914 Mohawk Road East Unit 11 Hamilton, Ontario L8T 2R8 Rent: $561.00
Unit 12	914 Mohawk Road East Unit 12 Hamilton, Ontario L8T 2R8 Rent: $598.00
Unit 14	914 Mohawk Road East Unit 14 Hamilton, Ontario L8T 2R8 Rent: $590.00
Unit 15	914 Mohawk Road East Unit 15 Hamilton, Ontario L8T 2R8 Rent: $584.00

Unit 16	914 Mohawk Road East Unit 16 Hamilton, Ontario L8T 2R8 Rent: $590.00
Unit 17	914 Mohawk Road East Unit 17 Hamilton, Ontario L8T 2R8 Rent: $598.00

APPENDIX "B"

The Agreement of Purchase and Sale shall provide:

(a) that the sale shall be competed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less:

i) $3,500.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to the date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

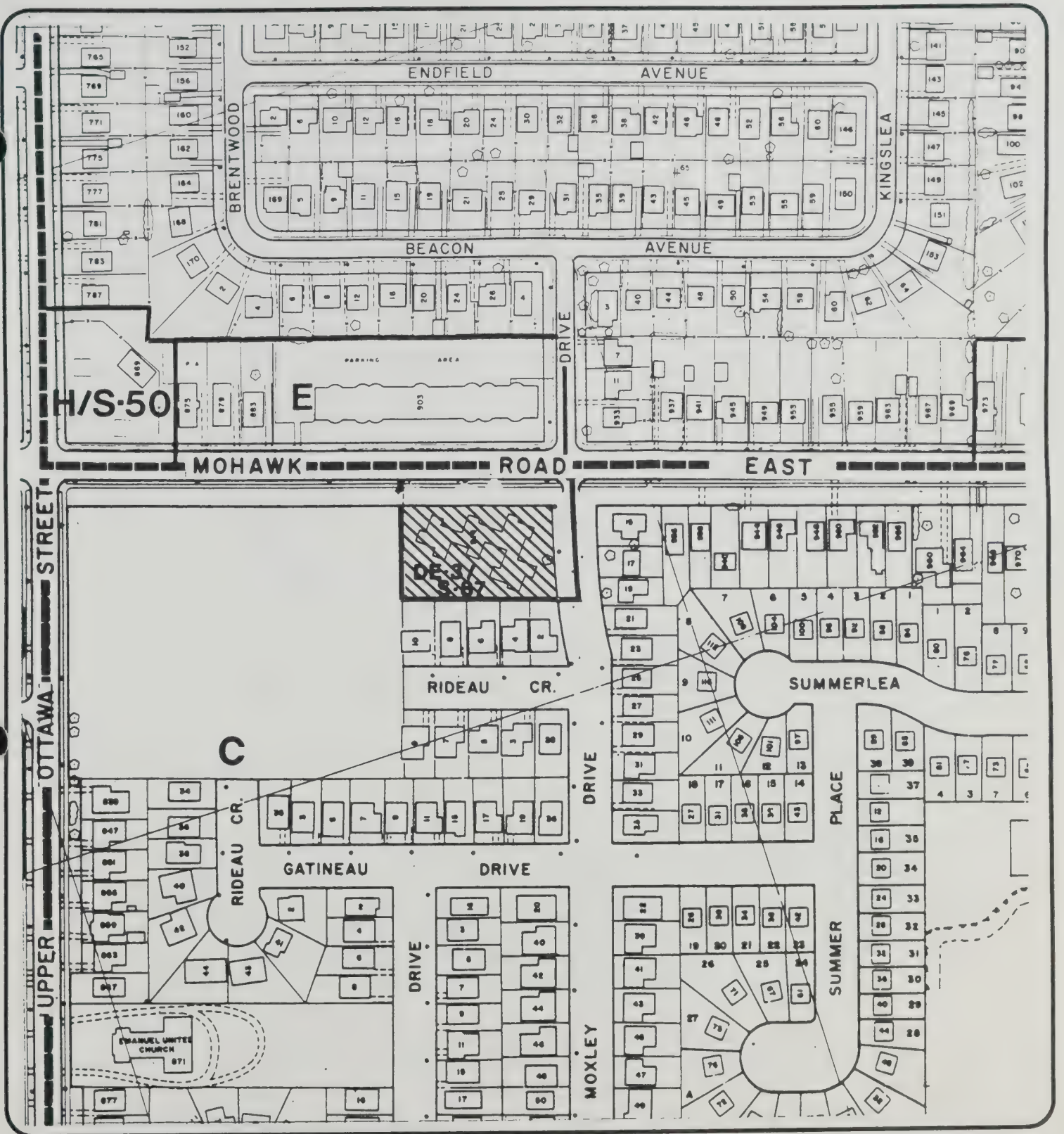
APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.



City of Hamilton

Key Map

Rental Housing Protection Act

914 Mohawk Road East

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-96-002
	Date	Drawn By
	July 1996	W. B.

2.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 / 1996

DATE: 1996 November 26
(SAC-96-03)
Gourley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Orchards North Addition" (File No. SAC-96-03/Regional File 25T-96007)

RECOMMENDATION:

(a) That approval be given to application SAC-96-03 (Regional File No. 25T-96007), Gus and Mike Holdings, owner, to establish a draft plan of subdivision "Orchards North Addition", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 6 lots for single detached dwellings and 18 blocks to be developed in conjunction with the addition draft approved plans of subdivision, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated September 24, 1996, showing 6 lots for single detached dwellings, 18 blocks to be developed in conjunction with adjacent lands (Blocks 11 - 29 inclusive), and to establish the extension of Annabelle Street and Chesley Street (see attached APPENDIX "B");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That the proposed plan of Subdivision not be registered until the holding provision in the Zoning By-law has been removed;

(viii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(x) That Blocks 7 - 21 inclusive must be developed in conjunction with the adjacent lands;

(xi) That the lot layout on the draft plan be revised to correspond to the Gourley Neighbourhood Approved Plan.

(xii) That Lots 1 and 2 not be developed until Chesley Street is established and constructed to the south limit of the subject lands.

(xiii) That the owner acquire the necessary lands to establish the road allowance adjacent to Lots 3 and 4 to its full width of 20.0m and that these lands be dedicated to the City of Hamilton as public highway.

(xiv) That Lots 3 to 5 inclusive, not be developed until the external public street access ("Future Street") is provided through the lands to the north ("Fontana Gardens") or southerly to Chester Avenue.

(xv) That Lot 6 not be developed until Annabelle Street is established and constructed to the south limits of the subject lands.

(xvi) That the final alignment of the reverse curve adjacent to Lots 3, 4, 5 and Blocks 15, 17 and 18 on the "Future Street" be established with a centreline radius of 200m and separated by a tangent of 30m.

(xvii) That the owner establish 0.30m reserves at the dead ends and open sides of all road allowances created by this plan of subdivision.

(xviii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(xix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96007), Gus and Mike Holdings, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Gus and Mike Holdings, owner.

Agent and Surveyor:

B.J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands are located south of the proposed Mountain Freeway and west of West Fifth Street, in the Gourley Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property has:

- a lot width of approximately 40.249 m (132 ft.);
- a lot depth of approximately 347.25 m (1,140 ft.); and
- a lot area of 11,718.9 m^2 (126,154 sq. ft.)

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C"-'H' (Urban Protected Residential, etc. - Holding) District.
Surrounding Land Use		
to the north	Vacant	"R-4" (Small Lot Single Family Dwelling) District, "DE" (Multiple Dwellings) District, modified, "C" (Urban Protected Residential, etc.) District, and "R-4" (Small Lot Single Family Dwelling) District, modified.
to the south	Vacant and Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant and Institutional	"AA" (Agricultural) District and "AA" (Agricultural) District, Modified

Subdivision Proposal:

The application, as revised in red, is to subdivide the subject lands for 6 lots for single detached dwellings, 18 block to be developed in conjunction with the adjacent draft plans of subdivision ("Fontana Gardens" and "Orchards North") and to establish the extension of Annabelle Street and Chesley Street (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The approved Gourley Neighbourhood Plan designates the subject lands for "Single and Double" residential purposes. The proposed plan of subdivision complies with the approved Neighbourhood Plan.

Zoning:

The subject lands are currently zoned "C"-'H' (Urban Protected Residential, etc. - Holding) District. The holding provision prohibits the development of the subject lands until such time as an application for a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions, as stipulated in the By-law, once the condition is fulfilled.

COMMENTS FROM CIRCULATION:

- The Building Department has advised:

  "1. The present Zoning By-law 96-170 is not final and binding.

  2. Upon approval of the Plan of Subdivision by the Region of Hamilton-Wentworth, the "H" symbol shall be removed by an amending by-law prior to the development of the lands.

  3. Each lot must have frontage on a street having a width of at least 12.0m which provides access to each lot.

  4. All proposed streets shall be established under By-law so there is appropriate access to these lands."

- The Traffic Division, Department of Public Works and Traffic, has advised that they have no comment with respect to the proposed plan of subdivision.

- The Regional Environment Department has provided the following comments for information purposes and has recommended as follows:

  "For Information:

  1) The extension of Annabelle Street and the proposed north-south street between Annabelle Street and Chesley Street should be identified as a street on the draft plan.

  2) Blocks 7 to 17 inclusive and 20 to 22 inclusive can only be developed in conjunction with the lands to the north ("Fontana Gardens").

  3) Blocks 18 and 19 can only be developed in conjunction with the lands to the south.

  4) Gourley Street is part of the Gourley Neighbourhood Approved Plan and the lot configuration on the drat plan should reflect this. The City of Hamilton will retain a security deposit under a subdivision agreement for future costs of this road adjacent to Lot 6.

  Recommendations:

  1) That the lot layout on the draft plan be revised to correspond to the Gourley Neighbourhood Approved Plan.

2) That Lots 1 and 2 not be developed until Chesley Street is established and constructed to the south limit of the subject lands.

3) That the owner acquire the necessary lands to establish the road allowance adjacent to Lots 3 and 4 to its full width of 20.0m and that these lands be dedicated to the City of Hamilton as public highway.

4) That Lots 3 to 5 inclusive, not be developed until the external public street access ("Future Street") is provided through the lands to the north ("Fontana Gardens") or southerly to Chester Avenue.

5) That Lot 6 not be developed until Annabelle Street is established and constructed to the south limits of the subject lands.

6) That the final alignment of the reverse curve adjacent to Lots 3, 4, 5 and Blocks 15, 17 and 18 on the "Future Street" be established with a centreline radius of 200m and separated by a tangent of 30m.

7) That the owner establish 0.30m reserves at the dead ends and open sides of all road allowances created by this plan of subdivision.

8) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

The submitted plan prepared by B.J. Clarke, O.L.S. dated September 24, 1996 and revised November 6, 1996 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and with the Gourley Neighbourhood Plan.

2. The application has merit and can be supported in that it is compatible with existing and proposed development in the area.

3. Development of Lots 1, 2 and Block 29 is contingent on the applicant constructing the extension of Chesley Street within the limits of the original road allowance between Township Lots 16 and 17. The portion of the road allowance adjacent to Lot 1 is owned by the City of Hamilton. However, by way of a 1972 Council resolution, the road allowance was to be transferred to the Hamilton School Board. These lands have not been transferred to the School Board.

Council, at its meeting of October 8, 1996, approved the following amendment to the Gourley Neighbourhood Plan:

> "That Appleblossom Drive, north of Chester Avenue and south of Street "A", on the "Orchards North" proposed plan of subdivision, be shifted westerly such that the road allowance is located within the limits of the original road allowance between Lots 16 and 17".

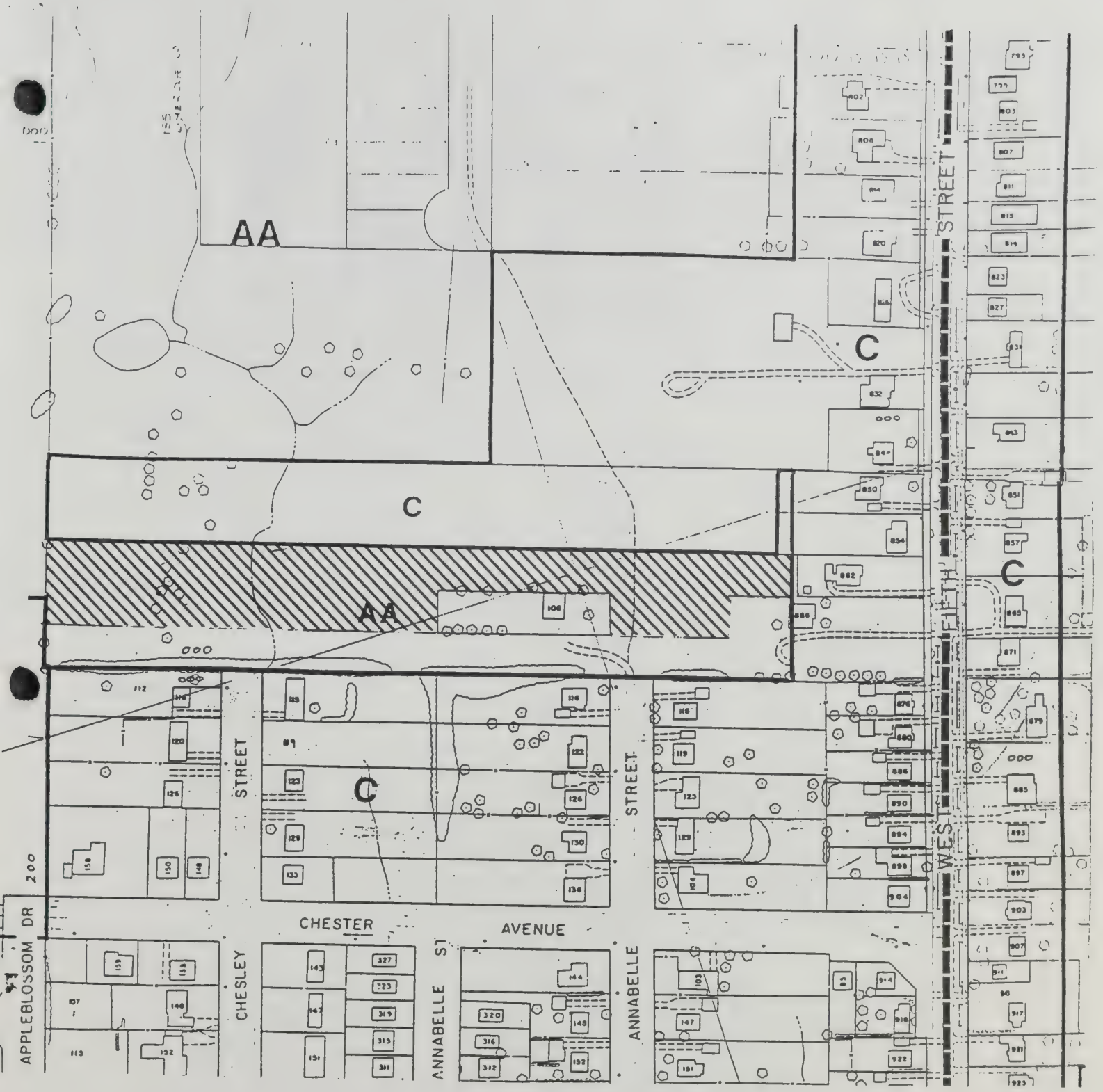
The realignment of the road allowance removes the jog in the road pattern, eliminates the need for a sewer easement and provides for a second access point thereby allowing development on the north-east quadrant of the Gourley Neighbourhood to proceed.

5. The Neighbourhood Plan designates an area for "Park and Recreational" purposes to the south and west of the subject lands. Therefore, it is recommended that a cash payment in lieu of the conveyance of 5% of the land for parkland dedication be made by the owner.

CONCLUSION:

On the basis of the foregoing, the application, as revised in red, can be supported.

SR/sr
SUB96-03.RPT

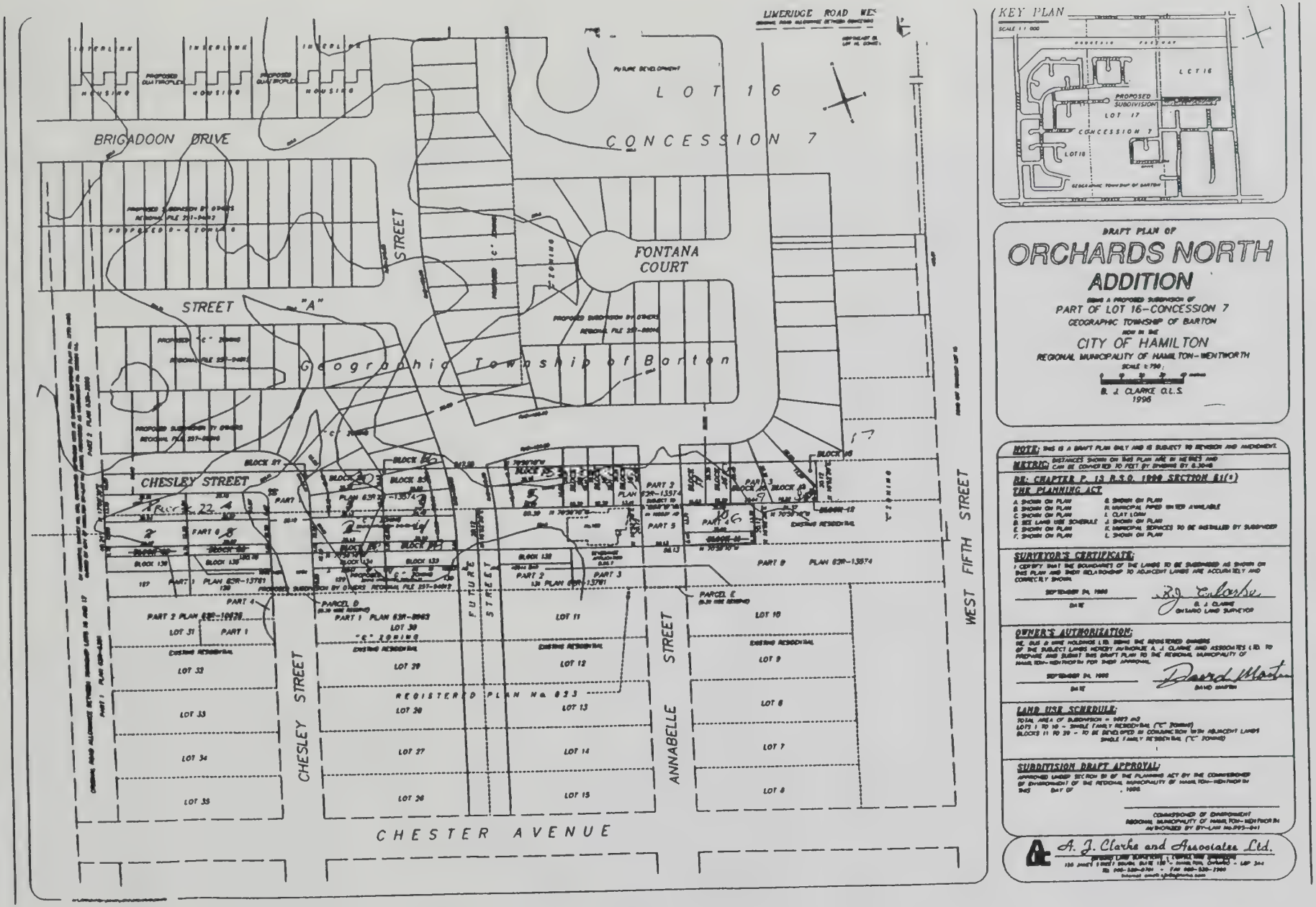


Legend

Site of the Application

SAC-96-03

APPENDIX "A"



DRAFT PLAN OF

ORCHARDS NORTH ADDITION

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 16 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:750

B. J. CLARKE O.L.S.
1996

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(4)
THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SEPTEMBER 24, 1996 — B. J. Clarke
DATE — B. J. CLARKE ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:
WE, BUS & SONS HOLDINGS LTD. BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

SEPTEMBER 24, 1996 — David Martin
DATE — DAVID MARTIN

LAND USE SCHEDULE:
TOTAL AREA OF SUBDIVISION = 9.972 HA
LOTS 1 TO 10 - SINGLE FAMILY RESIDENTIAL ("C" ZONING)
BLOCKS 11 TO 39 - TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS SINGLE FAMILY RESIDENTIAL ("C" ZONING)

SUBDIVISION DRAFT APPROVAL:
APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ON THIS ____ DAY OF ____, 1996.

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AS AUTHORIZED BY BY-LAW No. 89-93-BA

A. J. Clarke and Associates Ltd.
LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS
105 JAMES STREET SOUTH, SUITE 100, HAMILTON, ONTARIO - L8P 3A4
TEL: 905-529-6701 - FAX: 905-529-7999
Internet: email:ajclarke@ajclarke.com

APPENDIX "B"

3

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 . 1996

DATE: 1996 November 22
ZAC-96-05 & SAC-96-01
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision ("Olmsted Park") and Request for a change in zoning - 177 Rymal Road East and 1684 Upper Wellington Street

RECOMMENDATION:

(a) That approval be given to Amended Subdivision Application 96-01 (Regional File No. 25T-96001), **Paul Silvestri, owner,** to establish a draft plan of subdivision "Olmsted Park", for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, comprising of 14 lots for single detached dwellings, a block for townhouses, a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated November 8, 1996, showing 14 lots for single detached dwellings, a block for multiple family residential development, a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings (see attached APPENDIX "B");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That a 2m x 2m daylight triangle on the corner Block 17 at the L-shape bend in the road leading into the cul-de-sac be included on the Final Plan of Subdivision.

(viii) That the north-south section of Street "A" must align centreline to centreline with the future street proposed in the approved "DiCenzo Gardens" (25T-86008) draft plan of subdivision.

(ix) That Lots 1 to 14 inclusive and Blocks 16 and 17 not be developed until the lands to the north have been registered by Plan of Subdivision and road access has been made available to service these lots.

(x) That Lots 2 to 5 inclusive and Block 16 not be developed until such time as the cul-de-sac bulb is established and constructed to its full width.

(xi) That any proposed phasing of the Plan be to the satisfaction of the Regional Environment Department.

(xii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(xiii) That Lots 1 to 14 inclusive be serviced for water from the future cul-de-sac only.

(xiv) That the owner dedicate Block 20, being a 0.30m reserve along the rear of Lots 6 to 14 inclusive, adjacent to Rymal Road East and that the reserve be dedicated to the Region.

(xv) That the owner dedicate Block 18, being a 0.30m reserve along the rear of Lots 1 to 5 inclusive, and Block 16, adjacent to Upper Wellington Street, and that the reserve be dedicated to the Region.

(xvi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xvii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96001), Paul Silvestri, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to Amended Zoning Application ZAC-96-05, **Paul Silvestri, owner,** for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "R-4" - 'H' (Small Lot Single Family - Holding) District (Block "2") and "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family - Holding) District;

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iv) That the amending By-law applicable to Block "2" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(v) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements;

(a) That notwithstanding Section 10E.(4)(a) of Zoning By-law No. 6593, where a yard abuts a street, a depth of not less than 3.0 metres from the street line shall be provided and maintained;

(b) That notwithstanding Section 18A(1)(b) of Zoning By-law No. 6593, a minimum of 4 visitor parking spaces shall be provided and maintained; and,

(c) That notwithstanding Section 18A(11)(a) of Zoning By-law No. 6593, visitor parking shall be not less that 0.5 m from the adjoining residential district boundary;

(vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the Block "1" on Zoning District Map W-17B be notated S - ;

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 84 Upper Wellington Street, as shown on the attached map, on the following basis:

Block "1" - From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

Block "2" - From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family - Holding) District; and,

Block "3" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

In addition, the By-law provides for the following special variances applicable to Block "1" only:

- A minimum side yard of 3.0 m adjacent to Rymal Road East whereas the By-law requires 6.0 m;

- Requires that a minimum of 4 visitor parking spaces whereas the By-law requires 5 visitor parking spaces for a 16 unit townhouse development; and,

- A minimum setback of 0.5 m from the adjoining residential district boundary whereas the By-law requires a minimum setback of 1.5 m from the adjoining residential district boundary;

The effect of the By-law is to permit the development of the subject lands for 15 lots for single detached dwellings, a block for 16 townhouse units (see APPENDIX "C"), a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, in accordance with the proposed draft plan of subdivision "Olmsted Park". In addition, the By-law will utilize a Holding Provision for Block "2" such that development cannot occur until the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Paul Silvestri, owner.

Agent:

Terri Johns, May, Pirie, Dakin and Associates.

Surveyor:

B.J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands are located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street., in the Ryckmans Neighbourhood (see APPENDIX "A").

Lot size and area:

The subject property is irregular in shape and has:

- a width of 146.3 m along Rymal Road East and 70.6 m along Upper Wellington St.;
- a maximum depth of 60.9 m; and
- ±1.3 ha (±3.2 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Two single detached dwelling and vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant Lands	"R-4" (Small Lot Single Family) District
to the south	Single Detached Dwellings and vacant lands	"R-4" (Small Lot Single Family) District and "B" (Suburban Agricultural and Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands	"R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District

Subdivision Proposal:

The amended subdivision application is to permit the subdivision of the subject lands into 14 lots for single detached dwellings, a block for townhouses, a future road and 2 blocks to be developed with the adjacent lands to the north and east for single detached dwellings (see attached APPENDIX "B").

The proposed draft plan has been red-lined revised to show a 2m x 2m daylight triangle on the corner Block 17 at the L-shape bend in the road leading into the cul-de-sac be included on the Final Plan of Subdivision.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

Official Plan:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double Residential" and "Attached Housing" in the approved Ryckmans Neighbourhood Plan. The proposal complies with the neighbourhood plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - the Traffic Division, Department of Public Works and Traffic; and,
  - the Hamilton Region Conservation Authority.

- The Regional Environment Department, has advised of the following for information purposes:

  "1) The proposed "Multiple Family Block" may be serviced for water from the existing 400mm diameter watermain and storm and sanitary sewers by the existing systems on Rymal Road East. Servicing of the single-family lots (1 to 9 inclusive) will require extension of the watermain and sewers from the northerly direction into the future cul-de-sac.

  2) According to the submitted draft plan, Lots 1 to 9 inclusive will be fronting onto the future cul-de-sac, therefore servicing of these lots will be permitted from the future cul-de-sac only.

  3) The sewer system on the future cul-de-sac will be required to service the future lots east of the subject lands.

4) Rymal Road East, in the vicinity west of Upper Wellington Street, will ultimately be reconstructed to three lanes (which includes a two-way centre, left-turn lane). However, this reconstruction is not slated until at least 1999. The profile of the existing Rymal Road East will remain relatively unchanged in the future.

   Given the nature of Rymal Road East, future adjacent residential development should be restricted to mid-blocks and other major collector roads.

5) The designated road allowance width of Rymal Road East is 36.58m. A portion of the widening was acquired by the Region by Instrument No. 167163 and shown as Part 12 on Reference Plan 62R-12578.

6) Direct access to Lots 6 to 12 inclusive will not be permitted to Rymal Road East and the development of these lots cannot proceed until the street connection to the north is provided.

7) Detailed comments on the development of Block 15 will be provided at the site plan stage.

8) The owner should consider a land assembly with the owner of lands to the north of the "Multiple Family Block" to ensure that the land uses designated can be developed to the best potential."

The Regional Environment Department, has provided the following recommendations:

"1) That the owner dedicate sufficient lands to the Region to establish the property line at 18.29m from the centreline of the original Rymal Road East road allowance and that these lands be shown as a separate block and dedicated as public highway by Certificate on the Final Plan of Subdivision.

2) That Lots 1 to 9 inclusive not be developed until the lands to the north have been registered by Plan of Subdivision or alternatively, the owner acquire the necessary easements for a sewer outlet and pay the full cost to construct the sewers in the easement.

3) That Lots 1 to 9 inclusive be serviced for water from the future cul-de-sac only.

4) That the owner show the 0.30m reserve as a separate Block on the Final Plan along the rear of Lots 1 to 7 inclusive, adjacent to Rymal Road East and that the reserve be dedicated to the Region by deed.

5) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the Region of Hamilton-Wentworth prior to development of any portion of these lands.

6) That a 2m x 2m daylight triangle on the corner Block 17 at the L-shape bend in the road leading into the cul-de-sac be included on the Final Plan of Subdivision.

7) That the north-south section of Street "A" must align centreline to centreline with the future street proposed in the approved "DiCenzo Gardens" (25T-86008) draft plan of subdivision.

8) That Lots 1 to 14 inclusive and Blocks 16 and 17 not be developed until the lands to the north have been registered by Plan of Subdivision and road access has been made available to service these lots.

9) That Lots 2 to 5 inclusive and Block 16 not be developed until such time as the cul-de-sac bulb is established and constructed to its full width.

10) That any proposed phasing of the Plan be to the satisfaction of the Regional Environment Department.

11) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by B.J. Clarke, O.L.S. stamped with the date November 8, 1996 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Transportation Department, Roads Division provided the following comments:

"1. The designated road allowance width of Rymal Road is 36.58m. In accordance with this designation, the applicant should be advised that as a condition of development approval we will recommend that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29 m from the centreline of the original Rymal Road allowance. For the information of the applicant, the Region previously acquired a portion of the widening by Instrument No. 176163 and shown as Part 12 on Reference Plan 62R-12578.

2. The designated road allowance width of Upper Wellington Street is 30.48m. In accordance with this designation, the applicant should be advised that as a condition of development approval we will recommend that sufficient land be dedicated to the Region for road widening purposes to establish the property line 15.24 m from the centreline of the original Upper Wellington Street road allowance. For the information of the applicant, the Region has previously acquired a portion of the road widening by Instrument No. 176164 and shown as Part 13 on Reference Plan 62R-12578.

3. Lands to be rezoned to R-4 cannot be developed until such time as internal street access is provided to this property from DiCenzo Gardens plan of subdivision to the north. Direct access to R-4 development will not be permitted to Rymal Road and consideration should be given to placing these lands in a Holding zone until street access to the north is provided. In addition, lands in the proposed cul-de-sac cannot be developed until the cul-de-sac bulb and radius transitions are established and constructed to their full width.

4. The remaining development details will be dealt with through site plan control for the block townhouses and Olmsted Park plan of subdivision for the single family homes. The applicant must ensure that the depth of the townhouse block shown on the preliminary site plan excludes lands required for the road allowance widening of Rymal Road.

5. We suggest that the applicant/owner consider a land assembly with the owner of lands to the north of thew multiple family block to ensure that the land uses designated can be developed to the best potential."

- The Regional Environment Department, Planning Division advised that the subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan. The proposal complies with the H.W.O.P.

- The Treasury Department has advised that Realty Tax were in arrears for the subject lands.

- The Building Department has advised that Blocks "1", "2" and "3" will be required to develop in accordance with the respective provisions of the "RT-20" District, "R-4" District and "C" District regulations of the Zoning By-law.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Ryckmans Neighbourhood Plan; and,

   ii) it would be compatible with existing and future planned residential uses.

3. The lands to be rezoned from "AA" District to "C" District (shown as Block 3 on APPENDIX "A") are not included in the draft plan of subdivision. There is an existing single family dwelling on the subject lands. The applicant has advised that they will be submitting an application for consent to create a lot and as such the lands have been

excluded from the draft plan of subdivision.

4. Lots 1 - 14 inclusive, cannot be developed until such time as servicing and the necessary road connection is available from the adjacent draft approved plan of subdivision "DiCenzo Gardens. In this regard, the Regional Environment Department, Development Division (Roads Department) has advised that the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as the services can be extended though the abutting lands to service the proposed development. City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in the By-law once the condition is fulfilled.

5. The Building Department has advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law. As a condition of draft plan approval, the applicant will be required to submit a surveyor's certificate demonstrating compliance with the applicable provisions of the Zoning By-law conformity.

6. To facilitate the development of Block "2" and to maintain a built form edge along Rymal Road East, the Zoning By-law should provide for two variances from the provisions of the "RT-20" District. Specifically, the minimum side yard setback should be reduced from 6.0 m to 3.0 m in keeping with the side yard setback for single detached dwellings. In addition, the requested reduction in visitor parking from 5 on-site spaces to 4 can be supported given that the preliminary site plan provided by the applicant provides for 2 parking spaces per unit (1 in the garage, and 1 in the driveway) in addition to 4 visitor parking spaces. In addition, the visitor parking area will be 0.5 m from the lot line whereas the By-law requires 1.5 m. This reduction can be supported in that the reduced setback is to accommodate a manouvering area, as opposed to a parking stall and as a condition of site plan approval the applicant will be required to provide a 1.2m - 2.0 m privacy fence.

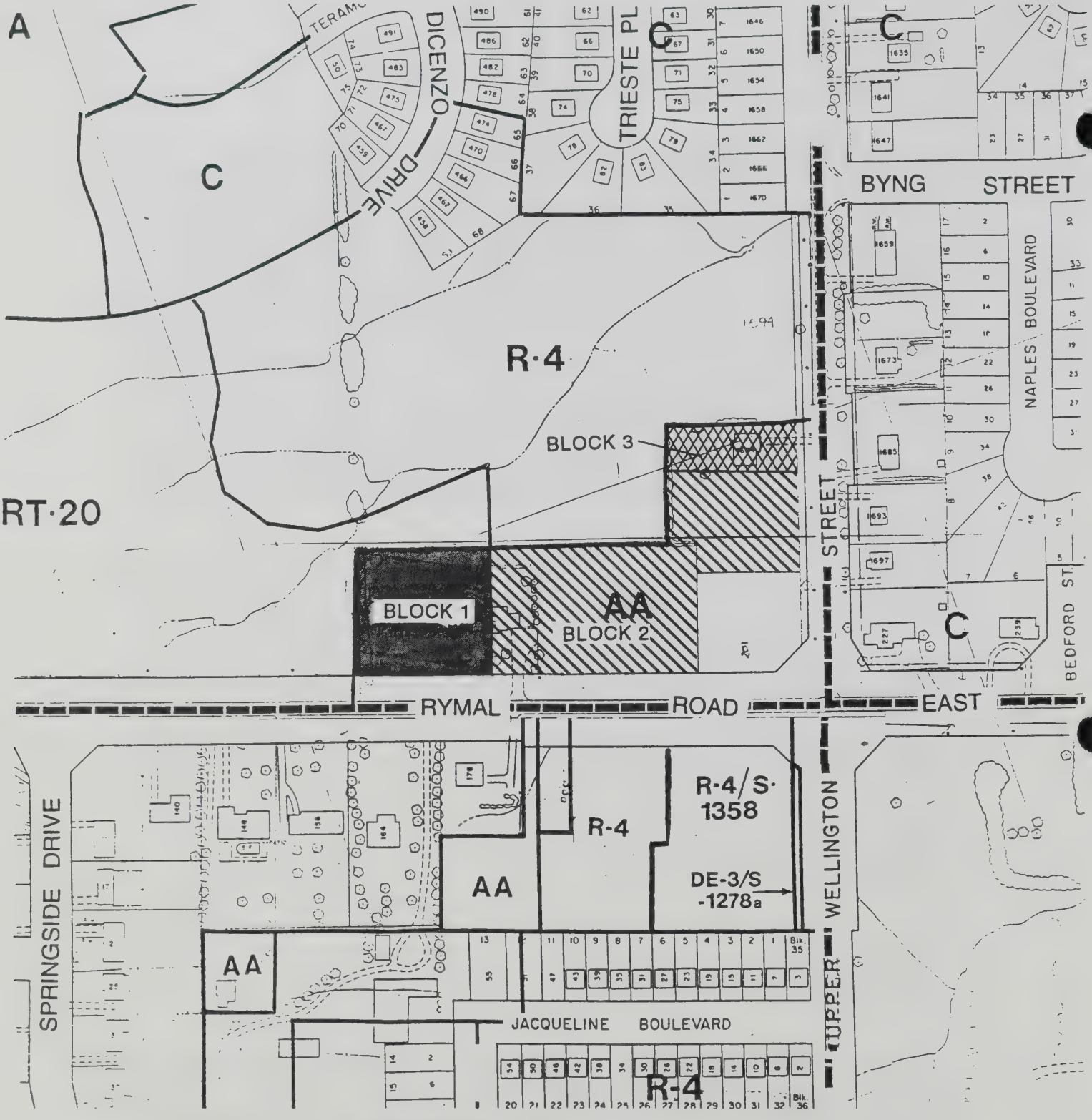
7. The "RT-20" (Townhouse - Maisonette) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

8. The approved Ryckmans Neighbourhood Plan identifies a neighbourhood park to the north of the subject lands adjacent to DiCenzo Drive. As such as a condition of draft plan approval, the applicant will be required to make a 5% cash-in-lieu parkland dedication to the City of Hamilton.

CONCLUSION:

Based on the foregoing, the applications can be supported.

SR/sr
ZA-96-05.RPT



Legend

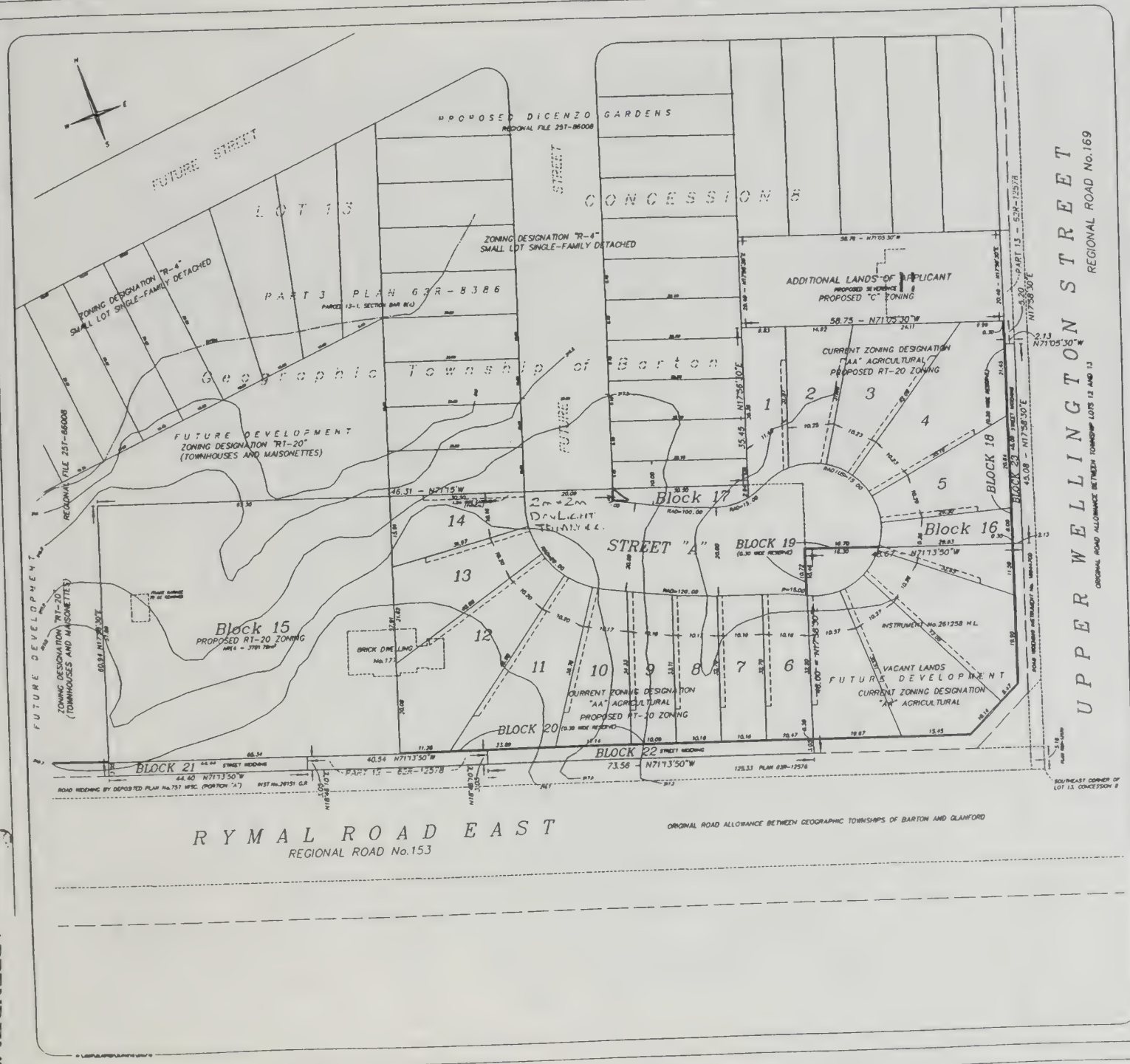
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Proposed change in zoning :

BLOCK 1		"AA" (Agricultural) District, to "RT-20" (Townhouse-Maisonette) District.
BLOCK 2		"AA"" (Agricultural) District, to"R-4" -'H'. (Small Lot Single Family-Holding) District.
BLOCK 3		"AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District.

ZAC-96-05
SAC-96-01

APPENDIX "A"



KEY PLAN
SCALE 1 : 10000

DRAFT PLAN OF

OLMSTED PARK

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 13 - CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1: 400

B. J. CLARKE O.L.S.
1998

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(?)
THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L NONE

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

NOVEMBER 8, 1998 — DATE
B. J. CLARKE — ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:
I, PAUL SILVESTRI, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

NOVEMBER 8, 1998 — DATE
PAUL SILVESTRI

LAND USE SCHEDULE:

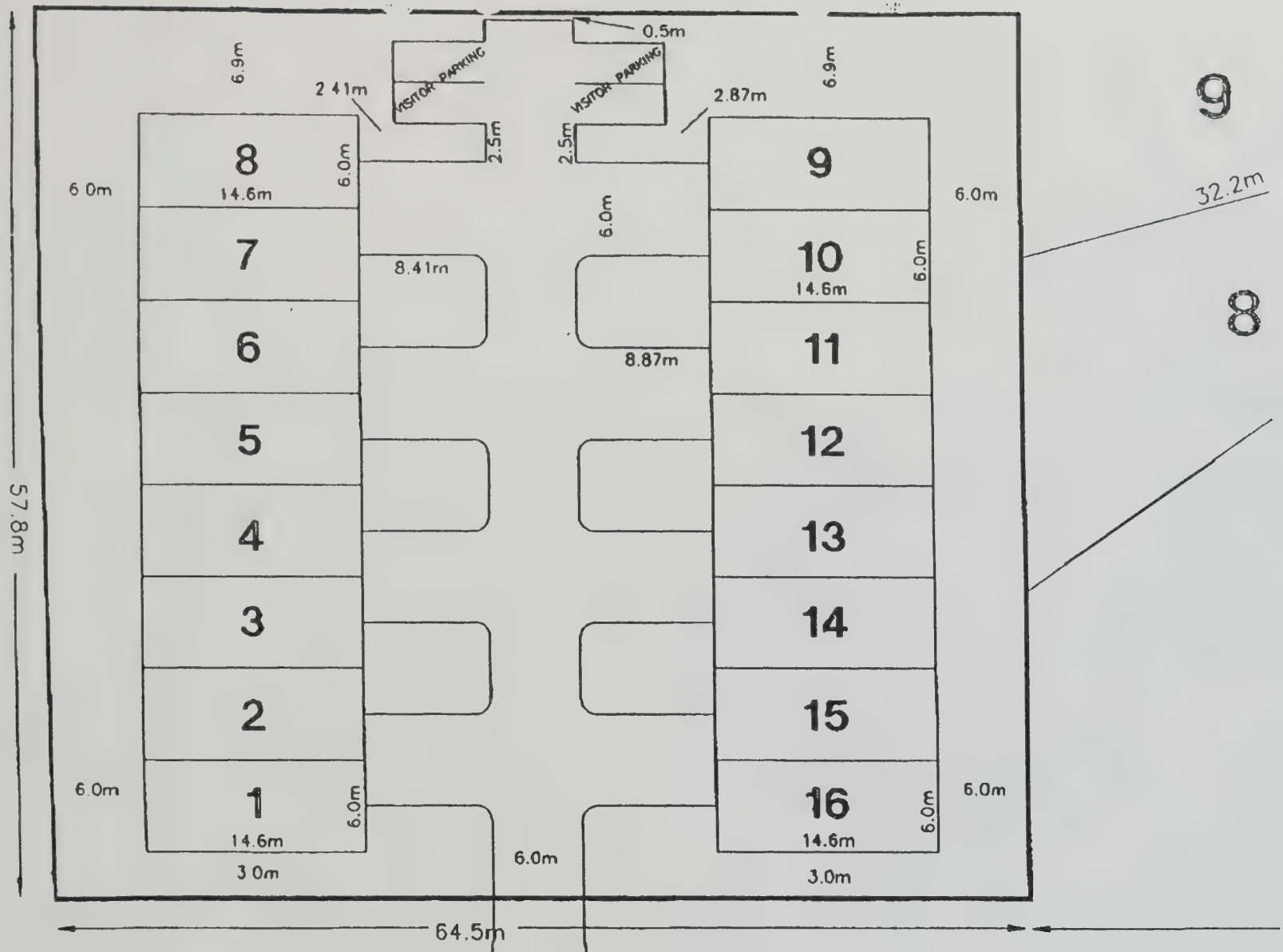
TOTAL AREA OF SUBDIVISION = 1.241 ha (3.066 acres)
LOTS 1 TO 14 - SMALL LOT SINGLE-FAMILY DETACHED "R-4" ZONING
BLOCK 15 - MULTIPLE FAMILY "RT-20" ZONING (0.369ha)
BLOCKS 16 & 17 - TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCKS 18, 19 & 20 - 0.30 m RESERVES
BLOCKS 21, 22 & 23 - STREET WIDENING

SUBDIVISION DRAFT APPROVAL:
APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
THIS DAY OF , 1998

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
AUTHORIZED BY BY-LAW No. 1995 CM1

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS
193 JAMES STREET SOUTH, SUITE 179
HAMILTON, ONTARIO L8P 4A5, CANADA
TEL. 905-526-0191 FAX 905-526-3289

APPENDIX "B"



RYMAL ROAD

APPENDIX "C"

4.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 : 1996

DATE: 1996 November 26
ZAC-96-12
Durand Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 10 Herkimer Street and 9 and 11 Charlton Avenue West

RECOMMENDATION:

That Zoning Application ZAC-96-12, 583783 Ontario Inc. (D. and F. Steller), owners, requesting a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "1"), and a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations (Block "2") to permit the expansion of the existing residential care facility for seniors from 58 to 77 residents, for property at 10 Herkimer Street and 9 and 11 Charlton Avenue West, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

(i) the proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking. In this regard, 7 spaces are required to accommodate the additional 21 residents, whereas only 3 spaces are provided;

(ii) one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 77 residents, or nearly four times that permitted in an "E-1" District (20 residents), would result in the creation of an "Institutional" use. On this basis, the proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to

encourage smaller facilities in residential neighbourhoods; and,

(iii) approval of the application may encourage other similar applications which if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant had applied for a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "1" and a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "2" (see attached APPENDIX "A") to permit the expansion of the existing residential care facility for seniors at 10 Herkimer Street from 58 to 77 residents. The proposal will involve expanding the existing building northward and includes the demolition of the two dwellings at 9 and 11 Herkimer Street. Three parking spaces will be added with access onto Charlton Avenue West for a total of 9 parking spaces.

- By-law No. 83-217

City Council, at its meeting of 1983 July 27, passed By-law No. 83-217 which provided for a modification to the"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit the construction of a 2 storey addition to the rear of the existing building at 10 Herkimer Street for a residential care facility with a maximum of 30 residents of at least 60 years of age. In addition, the by-law included the following:

- exemption of the minimum radial separation distance requirement of 180 m (600 feet) between residential care facilities;
- 9 on-site parking spaces (whereas 10 are required); and,
- reductions in the side and rear yards.

- Committee of Adjustment Application A-87-222

The Committee of Adjustment, on 1987 September 5, approved a minor variance application A-87-222 to permit an increase in the capacity of the existing residential care facility from 30 residents to a maximum of 34 residents, without providing the required 2 additional parking spaces. The Planning and Development Department comments submitted in conjunction with the minor variance application recommended denial on the basis that:

- the variance was not minor;
- the existing facility is located within 180 m (600 feet) of another residential care facility; and,
- approval would set an undesirable precedent for future similar applications to increase the number of residents.

- By-law No. 89-276

City Council, on 1989 September 26, passed By-law No. 89-276 which further modified the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions to allow for an increase the capacity of the residential care facility from 34 to 58 residents not less than 60 years of age. Other modifications included:

- a further reduction of the on-site parking from 9 to 7 spaces; and,
- further reductions in yard requirements.

Planning and Development Department staff recommended denial of the application on the following basis:

- one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 58 residents, or nearly three times that permitted, would result in the creation of an "Institutional" use. The proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods.
- It represents an over-intensification of land use, in that adequate parking would not be provided.
- Approval of the application may encourage other similar applications which, if

approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

- The subject lands are located within 180 m (600 feet) of 2 other Residential Care Facilities.

APPLICANTS:

583783 Ontario Inc. (D. and F. Steller), owners.

LOT SIZE AND AREA:

Block "1"

- 17.89 m (58.7 feet) frontage on Charlton Avenue West;
- 32 m (105 feet) depth; and,
- 572.61 m^2 (6163 square feet) lot area.

Block "2"

- 31.68 m (103.95 feet) frontage on Herkimer Street;
- 53.68 m (176.11 feet) depth; and,
- 1700.58 m^2 (18305.5 square feet) lot area.

LAND USE AND ZONING:

	Land Use	Zoning
Block "1"	Single and two family dwelling	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
Block "2"	Residential Care Facility for 58 residents	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
Surrounding Lands		
to the north	Apartments	"E-3" (High Density Multiple Dwellings) District

to the south	Apartments	"DE-3" (Multiple Dwellings) District
to the east	Mixed residential and commercial	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Residential care facility, apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

The subject lands are designated "**Residential**" on Schedule 'A' - Land Use Concept and are within Special Policy Area 3 on Schedule 'B' - Special Policy Areas. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and

the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law;"

The proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking and further, represents an over intensification of use in that it proposes nearly four times as many residents for the facility than the by-law permits.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments" (Block "1") and "Medium Density Apartments" (Block "2") in the approved Durand Neighbourhood Plan. If approved, Block "1" should be redesignated to "Medium Density Apartments".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and Union Gas have no comment or objections.

- The Building Department advises:

"1. The adding of lands to the existing site will create a parcel of land that is considered a "through lot".

2. The recognized use is a Residential Care Facility for fifty-eight (58) residents. The proposed increase to seventy-seven (77) residents is not permitted.

3. A Residential Care Facility for seventy-seven (77) residents requires a minimum of twenty-six (26) parking spaces.

4. The proposed expansion to the existing building required the following yards:

FRONT - 3.35m
SIDES - 12.45m

5. The manoeuvring space aisle width is not the minimum 6.0m for the three (3) parking spaces.

6. Each parking space must be at least 2.7m x 6.0m.

7. The lot area should be the actual area not rounded off to the next highest.

8. The present By-law 89-276 (S832a) requires that a minimum of seven (7) parking spaces shall be provided.

9. The details of development are not accurate with respect to actual areas and number of parking spaces.

NOTE: Further review may be required to determine gross floor area, landscaped area and number of parking spaces."

- The Department of Public Works and Traffic advises:

"The property at 10 Herkimer has been the subject of a number of applications to permit the continued expansion of the existing use. Most of the applications have included a reduction in the required parking. The current application for the addition of 21 beds to the existing facility indicates that only 3 additional parking spaces are to be provided. In accordance with the Zoning By-law, the addition of 21 beds requires 7 additional parking spaces. In order to consider further reductions in the required parking, we request that the applicant provide information regarding the operation of the facility such as the current number of employees, the increase in employees related to this expansion and any other information to justify the proposed reduction in required parking. Without additional information, we cannot support the application.

The preliminary plan submitted with the application indicates that 3 parking spaces are to be provided having access from Charlton Avenue. In order to provide adequate manoeuvring area adjacent to the parking spaces in the location shown on the plan, it will be necessary to establish a mutual right-of-way on a portion of the lands on the adjacent property, 15 Charlton Avenue."

- The Regional Environment Department advises:

"There are public watermains and combined storm and sanitary sewers available on Charlton Avenue and Herkimer Street. However, as the sewers on Herkimer Street and Charlton Avenue are substandard, the applicant/owner as a condition of zoning approval must submit a servicing study, including capacity calculations, outlining details with respect to the demand that this development will place on the existing sewer, and provide verification that this demand will be adequately accommodated by the system.

The following comments have been received from the Region's Transportation Department, Roads Division.

(1) No further road allowance widenings are anticipated on Herkimer Street or Charlton Avenue at this time.

(2) Any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws.

(3) We have the following comments on the preliminary site plan submitted with this zoning application:

i) The access width to Charlton Avenue, a Regional Road, is only 3.6 m contained within the property limits. If this access is needed for required off-street parking, arrangements must be made with lands to the west to establish a mutual driveway access in accordance with the requirements of the City of Hamilton Department of Public Works and Traffic.

ii) It is unclear what the proposed paving within the Charlton Avenue road allowance will be used for. Due to the proximity of the existing street tree and the fact that this parking space will limit the visibility of motorists entering the municipal sidewalk and travelled portion of Charlton Avenue, this paving area is not permitted and should be removed from the plan.

iii) Should the parking area with access from Charlton Avenue be retained, we recommend that the proposed wall structure be set back a minimum of 3.0 m from the existing position adjacent to the access. This will improve the visibility of motorists entering the driveway area immediately adjacent to the access on Charlton Avenue.

iv) We require 5 m by 5 m daylight visibility triangles between the access to Charlton Avenue and the Charlton Avenue road allowance limits in which the maximum height of any object or mature vegetation is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Charlton Avenue. This requirement excludes any trees or street trees within this area."

- The Department of Community Services advises:

"We note that the proposed expansion of the residential facility makes provisions for parking and other modifications to the lot are to be determined. We respectfully suggest that any modifications to the site plan should incorporate barrier free design features, particularly for the accommodation of wheelchair parking, sidewalk and main facility door access.

We would also suggest that the proposed expansion of beds include consideration for varying financial capabilities, and preference for private accommodation, that prospective residents might have.

Further, while the applicant would not be eligible for a subsidy agreement with the Regional Municipality because the number of beds exceeds our contractual requirements, we are enclosing a June 19, 1996 Report to Health and Social Services Committee which resulted in a three month freeze on the acceptance of Subsidy Agreement Applications subsequent to further review. This review (Report of September 23, 1996) was tabled at Committee October 8, 1996.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking and further, represents an over intensification of use in that it proposes four times as many residents than the by-law permits.

2. The application cannot be supported for the following reasons:

   - the proposal conflicts with the intent of the Official Plan in that it does not provide adequate off-street parking. In this regard, 7 spaces are required to accommodate the additional 21 residents, whereas only 3 spaces are provided;

   - one of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 77 residents, or nearly four times that permitted in an "E-1" District (20 residents), would result in the creation of an "Institutional" use. On this basis, the proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods; and,

   - approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

3. The proposal conflicts with the approved Durand Neighbourhood Plan for Block "1". If the application is approved, Block "1" should be redesignated from "Commercial and Apartments" to "Medium Density Apartments".

4. The Public Works and Traffic Department note that the past applications to expand the existing facility have included reductions in the required off-street parking. The subject application proposes to increase in the existing facility by 21 beds, which requires 7 additional spaces. The applicant proposes only 3 additional spaces. To consider further

reductions in the required parking, the applicant is requested to provide information regarding the operation of the facility such as existing and anticipated number of employees, and any other information in support of the reduction in required parking. Without that information, the Department cannot support the proposed reduction. To date, nothing has been submitted to support the further reduction.

5. The Public Works and Traffic, and the Regional Environment Departments note that to provide for an adequate manoeuvring area adjacent to the three proposed parking spaces off of Charlton Avenue West, a mutual right-of-way should to be established on a portion of 15 Charlton Avenue. The applicant has submitted documents which indicate that there is such an agreement on title establishing a right-of-way in this location.

6. The Regional Environment Department advises that the sewers on Herkimer Street and Charlton Avenue are substandard. In this regard, the applicant, as a condition of approval, must submit a servicing study, including capacity calculations, outlining details regarding the demand the proposed development will place on the existing sewers, and provide verification that this demand will be adequately accommodated by the system. To date, the applicant has not submitted this information.

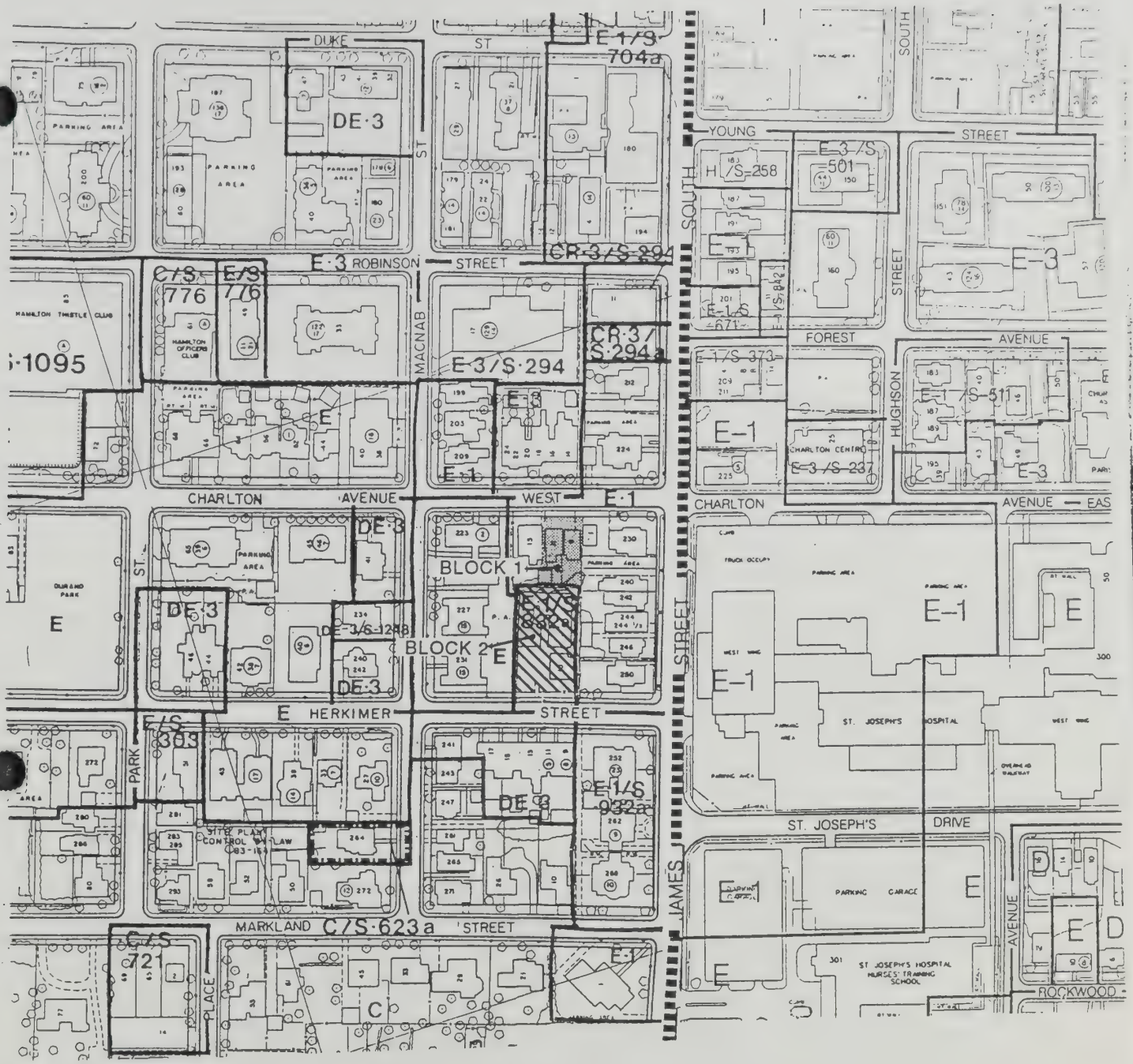
   Should the Committee support this application, the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. This would prohibit the development until such time as the applicant has submitted the necessary information to the satisfaction of the Manager of Development. Council may remove the 'H' symbol, and give effect to the "E" District - modified provisions by enactment of an amending by-law once the condition is fulfilled.

7. The Building Department indicates that the drawings submitted may require clarification. In this regard, should the Committee support the application, approval should be tabled until the next meeting to enable staff to clearly determine all the variances required.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

CLF/
ZAC-96-12



ZAC-96-12

Legend

Proposed Change

BLOCK 1 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

BLOCK 2 — Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District.

APPENDIX A

5a)

CITY OF HAMILTON

- INFORMATION -

NOV 2 : 1996

DATE: 1996 November 26
(4331)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Wesley Urban Ministries - Request for a General Text Amendment to the Zoning By-law for a 'Drop-in Centre'

BACKGROUND:

The Planning and Development Committee, at its meeting of November 6, 1996, directed staff to report back to the Committee with respect to Wesley Urban Ministries request to consider a General Text amendment to Zoning By-law No. 6593 to include a specific reference to a 'drop-in centre'.

Wesley Urban Ministries operates a social service facility at 195 Ferguson Avenue North. It offers a variety of community programs including: a drop-in centre, which operates from midnight to noon, for people to have a snack, talk and some occasions sleep for the night; a walk in medical clinic (limited hours of operation); chapel; counselling services; lunch meals; offices for the Ministry etc.

The Building Department has determined this 'drop-in centre' is considered as a "short term care facility" (SCF) according to the definitions of the Zoning By-law.In addition, the facility can have no more than 20 residents and no other facility is to be within 180 m of the site. Accordingly, the use is not permitted in this location because it exceeds the capacity and there is another facility with 180 m. By way of background information, when Wesley Urban Ministries' was located at 129 Rebecca Street, their use was considered as a SCF and a site specific by-law was passed for this site.

In this regard, Wesley Urban Ministries has requested the City to consider processing a general text amendment to permit the 'drop-in centre' use rather than a site specific zoning by-law amendment.

PLANNING ANALYSIS:

Staff has visited the site and met with the Wesley Officials to gain a better understanding of how this facility operates.

Based on these meetings, it would be appropriate for the City to consider this use as a **site specific** application rather than as a general text amendment for the following reasons:

- the use can be analyzed in terms of its impact on the surrounding community, particularly since this site is in the midst of a residential community;

- there are unique circumstances surrounding this site (i.e. the funding arrangements between the facility and the existing townhouses and apartments, it is within an existing building, etc.) which do not likely exist on other sites.

OTHER PLANNING ISSUES

With respect to the location of additional 'drop-in centres' in other parts of the City (i.e. commercial zones), a general text amendment could be undertaken some time in the future.

For the information of the Committee, organizations such as the Salvation Army, Mission Services, Good Shepherd can be classified, for the purposes of the Zoning By-law, as hostels, lodging houses, etc. Their services are slightly different than those provided by Wesley Urban Ministries.

CONCLUSION:

The City should not undertake a general text amendment to the Zoning By-law to permit a drop-in centre at this time. Wesley Urban ministries should submit a site specific application to permit the use at No. 195 Ferguson Avenue North.

JHE

c:\zoning\wesley.rpt

cc. Len King, Building Department
Larry Harvey, Building Deaprtment

56)

CITY OF HAMILTON

- INFORMATION -

NOV 2 : 1996

DATE: 1996 November 22
(P5-2-95, P-5-2-25)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Resurrection of the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee

BACKGROUND:

- Alderman's Request

  Alderman Kiss, on behalf of the Neighbourhood Association, has requested the resurrection of the former Modified Neighbourhood Plan Review Committee because of the Lapp property application, possible expansion plans at Camco, etc. (see APPENDIX "A")

- Modified Neighbourhood Plan Review Process

  In April 1991, City Council approved the following recommendation:

  > "That the Planning and Development Committee direct staff to undertake a "Modified Neighbourhood Plan Review Process" for specific sites in the Chedoke, Kirkendall North Neighbourhoods which have redevelopment potential including the Lapp property, CP Rail lands, Camco and Mr. Grocer site, by establishing a working committee of approximately 12 people with representatives from the Neighbourhood, the Golf Club, the owners of the Lapp

> property, Mr.Grocer, and Camco, C.P. Rail, Board of Education, and assistance by staff from various Departments and agencies (Traffic, Engineering, and Niagara Escarpment Commission, etc.), to deal with various issues as they relate to land use, traffic, school capacity as a result of the potential redevelopment."

In January 1992, the Planning and Development Committee and City Council approved the Chedoke Neighbourhood Plan. However, discussion concerning the remaining properties within the Kirkendall neighbourhoods was put on hold until the Joint Consolidated Board hearing for the Lapp property was finished.

In February 1993, the Neighbourhood Plan Review Committee resumed their meetings concerning the remaining sites. A final report on their deliberations was presented to the Planning and Development Committee at its meeting of May 4, 1994 and adopted by City Council at its meeting of May 10, 1994 (see APPENDIX "B").

- Lapp Property

In 1992, a Joint Consolidated Board hearing was held to determine the appropriate land use for the Lapp property. The decision of the Board was to approve an amendment to the Official Plan from INDUSTRIAL to RESIDENTIAL and to allow a development permit under the jurisdiction of the NEC for 318 units (67 townhouses and 251 apartment units), provided a number of conditions were fulfilled.

After the Board decision was rendered, the owner of the lands approached the City to seek approval to modify the development to allow for townhouse units. City Council, at its meeting of January 30, 1996, indicated that a new application was required. The Board concurred with this rationale as follows:

> "After considering your request, as well as correspondence from other parties in response to that request, the chairs of the Ontario Municipal Board and the Environmental Assessment Board have concluded that there is no authority to reopen and amend the joint board's decision.
>
> It appears that the Consolidated Hearings Act has very limited provision for the amendment of decisions made by joint boards. A joint board may rehear all or part of a matter only before issuing its decision. In addition, the establishing authority may re-establish a joint board where it believes that part of the decision requires clarification. Unfortunately, it appears that you are asking for a change in the decision rather than a clarification of the decision.
>
> Although we are sympathetic to your desire for a speedy determination on changes to your project it has been determined that the rehearing provisions do not apply to your situation."

As a consequence the owners of the property have submitted a new application for a redesignation from INDUSTRIAL to RESIDENTIAL in the Official Plan for 186 townhouses.

For the information of the Committee, Bill 20, the amendments to the Planning Act, require that Council make a decision within 90 days of a completed application being received. If such a decision is not rendered then the applicant could proceed with an appeal to the Ontario Municipal Board.

PLANNING ANALYSIS

Staff has reviewed the report, dated April 19, 1994, from the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee and feel the recommendations contained in that report are still relevant in 1996/1997 and on this basis, there appears to be little value added to the planning process to revisit these sites.

With respect to the Camco site, the lands are both designated and zoned for industrial purposes and on this basis, any plans for expansion can be accommodated within the planning documents. In addition, both the Official Plan and the Chedoke Neighbourhood Plan designate the CP lands UTILITIES and the lands are zoned "K" (Heavy Industrial) District. The planning documents reflect the CP yard operations.

The Lapp property, within the Chedoke Neighbourhood, is designated as SPECIAL POLICY AREA which is to reflect a number of uses (i.e. institutional, light industrial, etc.) except for residential. Any concerns the Neighbourhood Association has with the current Official Plan Amendment application for this property can be better dealt with as part of the planning process for the specific application.

Based on the above, it appears the existing uses will remain in their present location for the next several years and in this regard, a review of the Neighbourhood Plans does not appear to be warranted at this time.

STAFFING IMPLICATIONS:

The resurrection of the Neighbourhood Committee may result in delays of the completion of on-going neighbourhood plans (i.e Corktown, Stinson and Central), and the completion of zoning related issues (i.e. casinos, seniors housing).

CONCLUSION:

Staff feels the concerns of the Neighbourhood Association with respect to the Lapp property can be better dealt with through the planning process for the OPA. As a result, the Department is seeking direction on the request to resurrect the Kirkendall/Chedoke Neighbourhood Plan Committee.

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APPENDIX "A"
NOV 0 8 1996

CITY COUNCIL
HAMILTON, CANADA

Alderman Mary Kiss

71 MAIN STREET WEST L8N 3T4 • (905) 546-4528 • RES. (905) 525-5932 - WARD 1

6 November 1996

Memo to: Mr. Victor Abraham, Director of Local Planning

From: Alderman Mary Kiss, Ward 1

I have received a letter from the Kirkendall Neighbourhood Association advising that their Executive unanimously voted to pursue the revival of the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee.

As you are aware, the Kirkendall Association's team and volunteer efforts are very important to their neighbourhoods.

As there is again considerable activity occurring, i.e. the Lapp Property issue, CAMCO expansion plans, etc., we are requesting that the Committee be re-assembled and a meeting convened as soon as possible.

Kindly confirm.

Mary Kiss

MK:sn

c.c. Alderman Don Drury, Chairman, Planning & Development Committee
Mr. Peter Simmons, Treasurer & Acting Vice-President, Kirkendall Neighbourhood Assoc., 382 Charlton Ave. W., Hamilton, L8P 2E7
Pauline Hewak, President, Kirkendall Neighbourhood Assoc., 80 Mountain Ave., Hamilton, L8P 4G2
Mr. Brock Criger, 57 Hyde Park Ave., Hamilton, L8P 4M8

APPENDIX "B"

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 April 19
(P5-2-92)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Kirkendall/Chedoke Modified Neighbourhood Plan
Review Committee

SUBJECT: Kirkendall/Chedoke Modified Neighbourhood Plan Review

RECOMMENDATIONS:

A) That no additional changes be made to the approved Kirkendall North Neighbourhood Plan, at this time; and,

B) That the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee has fulfilled its mandate and therefore, should officially be disbanded. However, the group should be encouraged to meet on an informal basis, with staff to attend as required and to address specific issues.

Alderman Mary Kiss
Co-Chairperson
Ward 1

Alderman Terry Cooke
Co-Chairperson
Ward 1

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- On April 24, 1991, the Planning and Development Committee approved the formation of a 12 member Committee consisting of the Ward Aldermen, citizens and landowners in the Kirkendall/Chedoke Neighbourhoods. The purpose of the Committee was to

- Analysis

The Committee prepared extensive land use guidelines including goals and development criteria for the subject site as well as the preferred land use. These guidelines will provide background for the evaluation of development proposals for the Planning and Development Department. The Committee agreed the land use designations remain unchanged since future redevelopment of the site could take several different forms.

- Recommendation

The site remain COMMERCIAL in the approved Kirkendall North Neighbourhood Plan.

2) **Camco, Rothwell and C.P. lands**

- Designations:

Official Plan	Industrial
Neighbourhood Plan	Industrial
Zoning	"K" (Heavy Industrial) District

- Analysis

The Committee agreed that no studies or redesignations be undertaken for these lands since the area is industrial and will remain industrial for the foreseeable future.

- Recommendation

The sites remain INDUSTRIAL in the approved Kirkendall North Neighbourhood Plan.

3) Vacant Lands on the west side of Locke Street between Canada and Jackson Streets

- Designations

Official Plan	Commercial
Neighbourhood Plan	Commercial
Zoning	"H" (Community Shopping and Commercial, etc.) District

ROLE OF THE COMMITTEE

As stated, the establishment of the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee was approved by the Planning and Development Committee on April 25, 1991, and City Council on May 1, 1991. Its mandate was to undertake a modified Neighbourhood Plan Review, to review specific sites within the Neighbourhoods. The sites included the former Lapp property, Camco and C.P. lands, and the Mr. Grocer site.

Since the Committee has fulfilled its mandate by preparing a Neighbourhood Plan for the Chedoke Neighbourhood and reviewing the land use on the above noted sites, it is appropriate to bring a formal resolution to Committee and Council to disband it. At its last meeting on October 21, 1993, the Committee agreed it will meet on an informal basis, without the need for staff support.

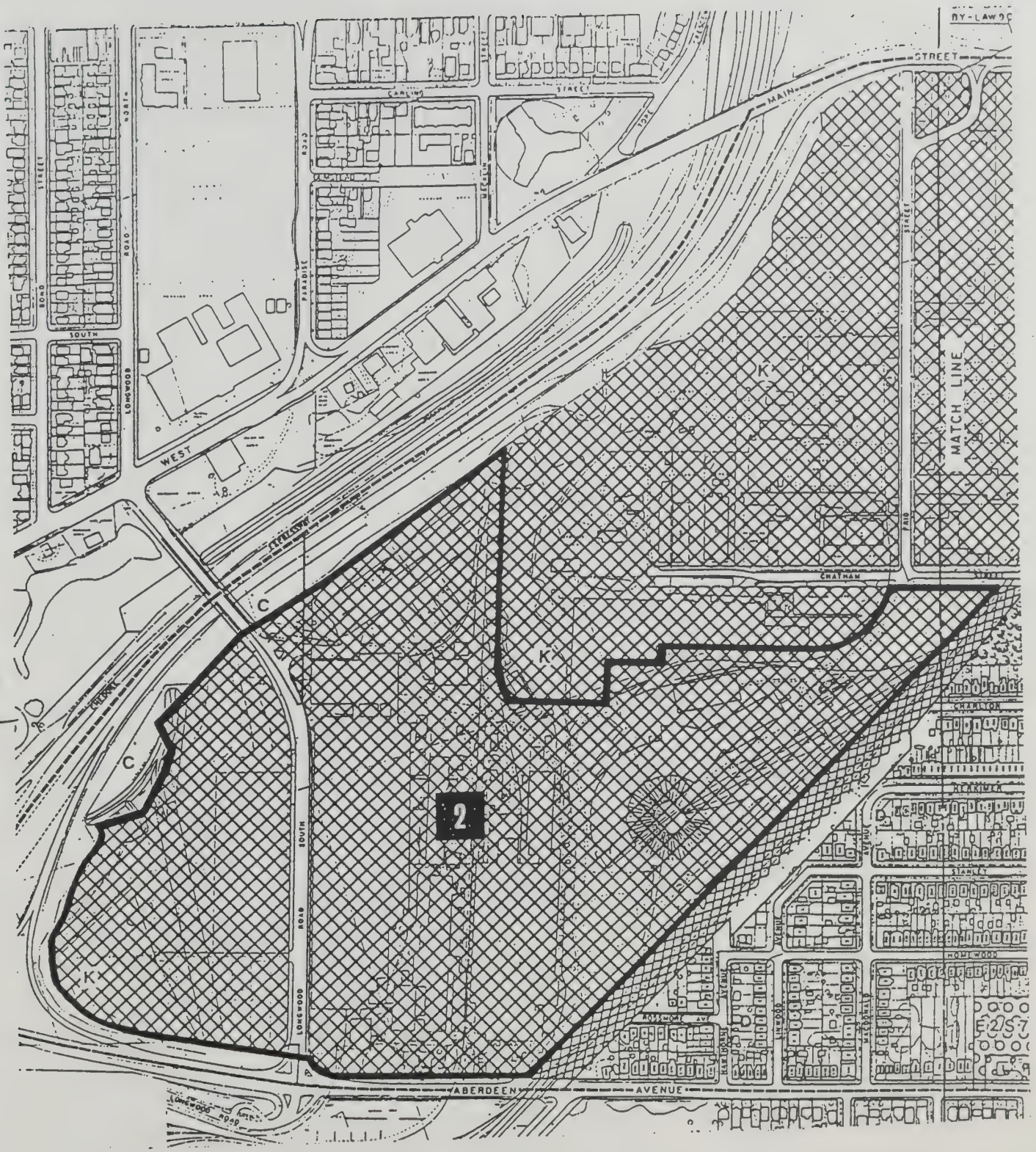
CONCLUSION:

Based on the foregoing, the following actions are recommended:

A) That no additional changes be made to the approved Kirkendall North Neighbourhood Plan, at this time; and,

B) That the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee has fulfilled its mandate and therefore, should officially be disbanded. However, the group should be encouraged to meet on an informal basis, with staff to attend as required and to address specific issues.

JHE/VG



APPROVED KIRKENDALL NORTH NEIGHBOUROOD PLAN

SITE UNDER REVIEW

P5-2-92

10. (a) That no additional changes be made to the approved Kirkendall North Neighbourhood Plan, at this time; and,

(b) That the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee has fulfilled its mandate and therefore, should officially be disbanded. However, the group should be encouraged to meet on an informal basis, with staff to attend as required and to address specific issues.

5c)

CITY OF HAMILTON

- INFORMATION -

NOV 2 ' 1996

DATE: 1996 November 25
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Mobile Sign Working Committee - Status Report

BACKGROUND:

City Council, on 1996 July 9, adopted the following recommendation of the Planning and Development Committee regarding mobile signs:

"2. That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:

(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;

(ii) That the Appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law;

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "B" attached); and,

(c) That the by-law to regulate mobile signs on private property, in accordance with the provisions of the Municipal Act, (see attached APPENDIX "B") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified."

At the 1996 November 20 meeting, the Committee received an information report from the Building Commissioner advising that the inventory of non-conforming mobile signs, as requested by Council, has been completed. Further, the Building Department has advised that, in view of the inventory being completed and the proactive enforcement initiatives, business owners and sign companies are very limited in their ability to legalize their signs (see APPENDIX "B" attached). On this basis, they are urging the draft by-law to regulate mobile signs on private property be forwarded for review and approval as Council directed 1996 July 9.

The Mobile Sign Working Committee has met on four occasions (1996 October 11 and 24, November 7 and 21). The mobile sign operators (except for one) have collectively identified a number of issues in the draft by-law as follows:

- request 12-15 day (180 days) time periods per year, whereas the by-law proposed 6-15 day (90 days) time periods;
- request that permits be registered per business, not per property as proposed;
- no hiatus periods between rental periods, as proposed;
- mobile sign companies have accounts set up in other municipalities to streamline the permit approval process;
- request a 15 m separation distance between signs on properties where two signs are permitted, instead of 30 m; and,
- variance fee should be affordable (ie. $75), instead of the $300 proposed.

Presently, staff are reviewing these matters and will report back to the Working Committee at their next meeting scheduled for December 5. Given the timing of the other related initiatives, it is reasonable to suggest that a final report, recommending any changes to the draft by-law as a result of the Working Committee deliberations, could proceed to the first meeting of the Committee in January. If there are changes proposed to the draft by-law, then this meeting may require the appropriate public notice in accordance with the Municipal Act.

The draft by-law (see APPENDIX "A" attached) considered by the Committee at their public meeting in 1996 July 9 has met the requirements of the Municipal Act with respect to public notice.

c.c. Peter Lampman
Deputy Building Commissioner

P. Noé Johnson
City Solicitor

CF/CI-91-I
Mobile Signs Working Committee

THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO.

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated d along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of th
(l) "electronic variable message centre (EVMC)" means an illumi thereof which is computer controlled and which displays informa

or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;

(z) "premises" means specific property, and includes all buildings and accessory structures thereon;

(aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame;

(ee) "third party advertising" means the advertising contents of a mobile sign which is meant to direct attention for the purposes of marketing, promoting or advertising a business, product, service, activity or facility which is provided at a location other than where the sign is located; and,

(ff) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:

(a) receive and process all applications for mobile sign permits required under this By-law;
(b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
(c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
(d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of two (2) mobile sign permits may be granted at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property.

8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive, more than twelve (12) mobile sign permits for any property within any one (1) calendar year in accordance with section 7 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit has expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:

(a) is located on property which is zoned as:

(i) a "commercial district" including:

1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
2. the "H" and "HH" Districts; or

(ii) an "industrial district" including:

1. the "J" and "JJ" Districts;
2. the "K" and "KK" Districts; and
3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";

(b) is displaying a message that clearly indicates the use is for the property for which an application has been made;

(c) is in good repair and has not become unsafe, unsightly or dangerous;

(d) is situated at grade;

(e) where it is electrically illuminated, has Ontario Hydro safety code approval;

(f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;

(g) is located on private property and is not located on a road allowance;

(h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;

(i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;

(j) has not greater than 5.6m^2 of sign area per face with no one dimension greater than 2.4m; and

(k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:

(a) for more than six (6), fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;

(b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;

(c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;

(d) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;

(e) which is for the purpose of third party advertising;

(f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;

(g) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;

(h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;

(i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;

(j) with electrical wiring in the path of vehicular or pedestrian traffic;

(k) which has flashing or moving lights;

(l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;

(m) which in whole, or in part is an electronic variable message centre;

(n) which emits illumination resembling an emergency light or traffic regulating device;

(o) prior to the issue date or after the expiry date as set out in the mobile sign permit;

(p) which would be an unsafe sign;

(q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;

(r) within 30 feet (9 metres) of the intersection of two streets;
(s) within 50 feet (15 metres) of a residential district;
(t) where the setback from property lines to the mobile sign is less than 1.5 metres;
(u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(v) where the property is zoned anything other than that indicated in section 13;
(w) where the property on which the mobile sign is located is zoned "residential";
(x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(y) where two mobile sign permits have already been issued for the property and have not expired;
(z) where the mobile sign would not comply with this or any other by-law;
(aa) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(bb) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;
(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee

or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for

delivery appearing on the records of the Chief Building Official or his designate. Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the day of , 19 .

ENACTED AND PASSED this day of , 19 .

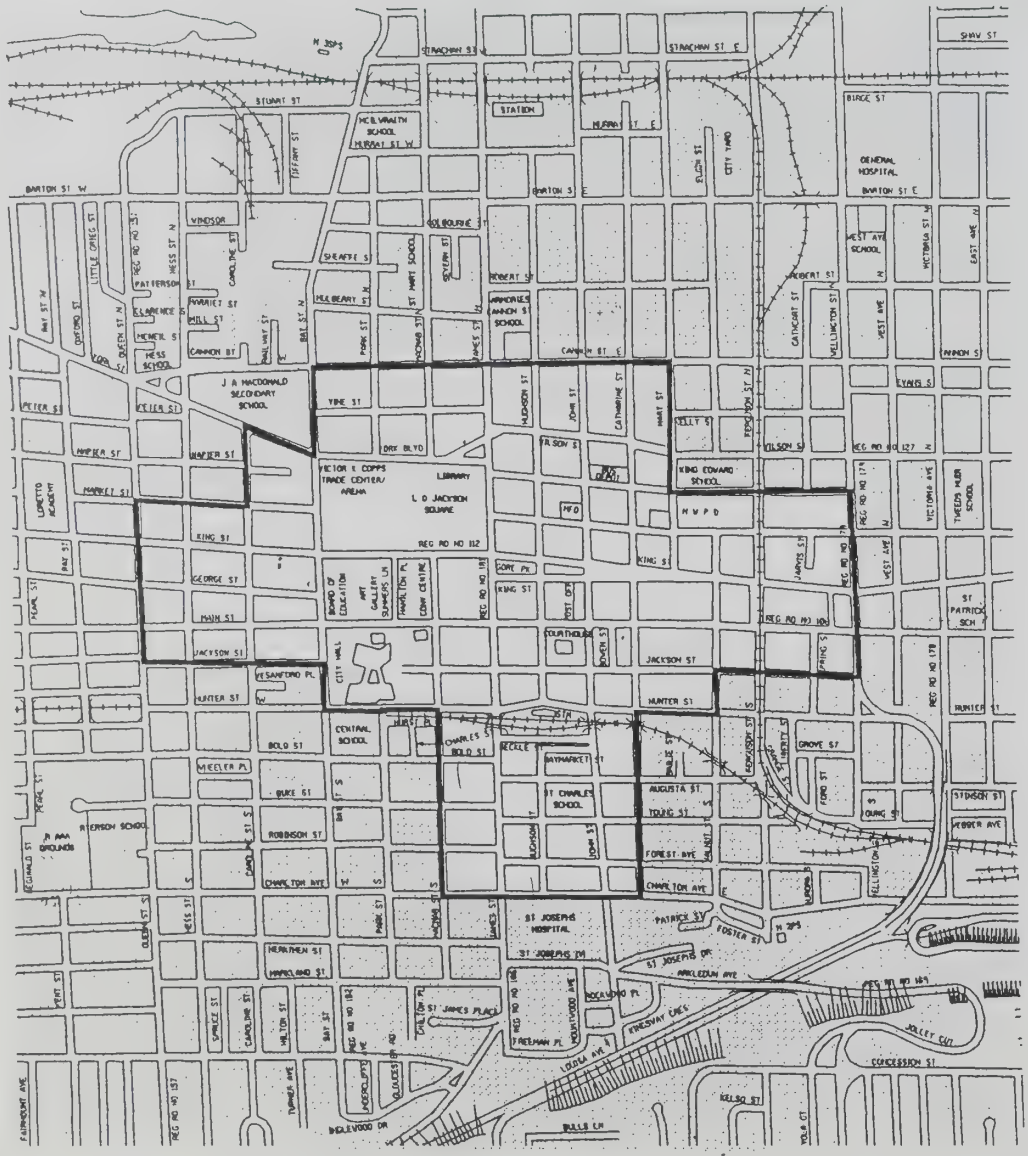
THE CORPORATION OF THE CITY OF HAMILTON

_____

ROBERT M. MORROW, MAYOR

_____

JOSEPH J. SCHATZ, CITY CLERK


STUART ST
STRACHAN ST W
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BARTON ST E
MURRAY ST W
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EAST AVE N
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DUNDURN ST N
DUNDURN ST S
BIRGE ST
GENERAL HOSPITAL
CITY YARD
STATION
ARMOURIES CANNON ST SCHOOL
ST MARY SCHOOL
KING EDWARD SCHOOL
TWEEDS MUIR SCHOOL
ST PATRICK SCH
WEST AVE SCHOOL
J A MACDONALD SECONDARY SCHOOL
VICTOR E COPPS TRADE CENTER/ ARENA
LIBRARY
L D JACKSON SQUARE
REG RD NO 112
REG RD NO 127
REG RD NO 179
REG RD NO 181
REG RD NO 184
REG RD NO 185
REG RD NO 189
REG RD NO 137
MPD
MWPD
POST OFF
COURTHOUSE
CITY HALL
BOARD OF EDUCATION
ART GALLERY SUMMERS LN
HAMILTON PL
CONV CENTRE
CENTRAL SCHOOL
ST CHARLES SCHOOL
ST JOSEPHS HOSPITAL
ST JOSEPHS DR
ST JOSEPHS PM
ST JAMES PLACE
ROCKWOOD PL
FREEMAN PL
MOUNTWOOD AVE
FREEWAY LINES
VALLEY CUT
CONCESSION ST
KELSO ST
BULLS LN
HOLLYWOOD DR
GLADSTONE AVE
MACKLIN ST
TURNER AVE
FAIRMONT AVE
REGINALD ST
PEARL ST
BOLD ST
CHARLES BOLD ST
MEELER PL
BURKE ST
ROBINSON ST
CHARLTON AVE
HEATHER ST
MARYLAND ST
SPRUCE ST
CAROLINE ST
MILTON ST
PEARSON SCHOOL
A AAA GROUNDS
BAYMARKET ST
AUGUSTA ST
YOUNG ST
FOREST AVE
PATRICK ST
FOSTER ST
GROVE ST
FORD ST
QUAY ST
STUDSON ST
WEBER AVE
FELLINGTON ST
HOLCOMB ST
MACKAY ST
MACNAB ST
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HOWARD ST
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JOHN ST
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JAMES ST
BAY ST
MACNAB

SCHEDULE "B"

PERMIT FEES

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

APPENDIX B

BUILDING DEPARTMENT
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2574 / Fax (905) 546-2764

City of HAMILTON

ATTENTION OF: **J. Spolnik**

1996 November 14

V.J. Abraham, M.C.I.P.
Director, Regional Planning Division
Planning and ~~Development~~ Department
The Regional Municipality of Hamilton-Wentworth

Dear Sir:

Re: **MOBILE SIGN BY-LAW**

As you are aware, Council has directed the proactive enforcement of the current regulations of the Zoning By-Law No. 6593 as it applies to mobile signs on private property and the compilation of an inventory of all mobile signs deemed non-conforming under the by-law to be passed pursuant to the Municipal Act.

To date, this department has completed the inventory of all such signs and is well into the enforcement process with respect to those signs found to be in violation of the Zoning By-Law.

In view of this action together with similar proactive enforcement of signs on City and Regional road allowances, business owners and sign companies are very limited in their ability to legalize their signs as the Zoning By-Law does not recognize a "mobile sign". For this reason we would urge you to bring forward the Mobile Sign By-Law for review and approval as was resolved by Council on 1996 July 9.

The passing of this by-law would provide a viable alternative to the restrictions of the Zoning By-Law thereby assisting in gaining compliance with our notices of violation. If the by-law is not passed as planned it may be necessary to repeat the entire inventory process due to statute limitations, making all work to date for naught.

An Information Report has been submitted to the Planning and Development Committee to advise that the inventory has been completed as directed.

Yours truly,

L. King
Building Commissioner
JS/

c.c. Alderman D. Drury, Chairman, Planning and Development Committee

6

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Joe Pavelka
Chief Administrative Officer

Doug Lobo, Commissioner
Public Works and Traffic Department

SUBJECT: Barton Street Revitalization, Streetscaping - Burial of Overhead Wires on the North Side of Barton Street between Wellington Street North and Wentworth Avenue North.

RECOMMENDATION:

1. That Hamilton Hydro Electric System be requested to proceed to bury the overhead wires on Barton Street, on the north side only, between Wellington Street North and Wentworth Avenue North, at an estimated cost of $2,196,000. which figure includes all associated streetscape improvements;

2. That the City's estimated net capital cost to implement this project ($2,196,000, less $800,000. from Hamilton Hydro and $230,000. from the Province of Ontario, therefore reducing the City's amount to $1,166,000.) be approved as a 1997 Capital Project as part of the 1997-2006 Capital Budget and, that this amount be financed by the issuance of a debenture for a term not to exceed 10 years and that the City Solicitor be authorized to prepare the appropriate by-law;

3. That Hamilton Hydro Electric System be requested to confirm its position that it will cover the total cost of burying the overhead wires on the north side and rebuilding the south side (exclusive of sidewalk and roadway repairs) at an estimated cost of $800,000. and, that they include this work as part of its 1997/98 Capital Improvement Program;

4. That the Province of Ontario be requested to extend the date for the expenditure of its remaining allocation for streetscape improvements on Barton Street in the amount of $230,000. to 1998 December 31.

5. That staff from the Public Works and Traffic Department be directed to proceed with detailed drawings for tender purposes, as well as seek approval from the Transportation Services Committee for the realignment of Barton Street within the project area, since Barton Street is a Regional Road;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Attached as Appendix 'A' is a matrix titled "Preliminary Cost Estimates for Various Streetscape and Hydro Improvement Options" which identifies three options for streetscape improvements within the Barton General B.I.A. boundaries. Upon approval of Option 'B' staff will undertake a more detailed cost analysis since the estimated cost provided is preliminary to identify an order of magnitude of the project. The following details the financial impact of the three options:

Option 'A' is for the burial of overhead wires on both sides of Barton Street between Wellington Street North and Wentworth Avenue North at an estimated cost of $3,525,600. The City of Hamilton's cost for this option ($2,895,600.) together with the current budget implications (+$23,000.) are not presently identified in the City of Hamilton's Capital Works Program.

Option 'B' the recommended option is for the burial of overhead wires on the north-side only between Wellington Street North and Wentworth Avenue North at an estimated cost of $2,196,000. The City of Hamilton's capital cost for this option ($1,166,000.) together with the current budget implications (+$23,000.) are not presently identified in the City of Hamilton's Capital Works Program, however, as identified in the attached Appendix 'B', staff from the Public Works and Traffic Department will forward this project, upon the Committee's approval, to the Management Team (Capital Budget Sub-Committee) for inclusion in the 1997-2006 Capital Budget for implementation projected in 1997-98.

Option 'C' is for the replacement of the wooden hydro poles with concrete and steel poles at an estimated cost of $630,000. There is no City of Hamilton capital cost associated with this option, however the current budget implications are estimated at +$35,000. and have been forwarded to Management Team's Capital Budget Sub-Committee for consideration in the 1997-2006 Capital Budget Submission. Provincial monies received to date towards streetscaping amount to $200,000. of which $100,000. has been spent on previous streetscaping improvements and the remaining $100,000. is contained in Account Number CH24107 0001 and, under the existing Agreement between the City of Hamilton and the Province of Ontario must be expended prior to 1997 May 31. A further allocation towards the streetscape component of $130,000. is anticipated from the Province in late 1996 early 1997 which must be spent prior to 1998 May 31.

BACKGROUND:

At its meeting held 1995 March 28, City Council approved the Barton Street Redevelopment Program incorporating four components: loans and grants to property owners for rehabilitation to their commercial properties; the creation and installation of murals on the facades of buildings; special events; and, streetscape enhancement. The Barton Street Program is to be implemented utilizing the $1M allocated by the Province of Ontario over a three year period. $330,000. of the $1M is earmarked for streetscape enhancement. To date $200,000. has been received from the Province for the streetscaping component and, $100,000. of that has been spent on the implementation of Phase One of Streetscape enhancement. Phase One included the redevelopment of the former West Avenue School courtyard and other landscaping components that were strategically placed within the boundaries of the Barton General B.I.A.

To gather the "vision" for the streetscaping component, staff from the Public Works and Traffic Department held a series of meetings with representatives from the Barton General B.I.A. and other community partners to determine the vision and priorities for implementation under the streetscaping component. The priorities identified as a result of those meetings included greening the area, removing the "no stopping" prohibition between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m., widening the sidewalks, lighting, parking, banners and Christmas ornaments. The objective to "green" the area is challenging given the existing conditions: a 1.5m sidewalk that accommodates wooden hydro poles as well as pedestrian scale lighting poles; no set-back from the property lines; four lane traffic; and, a truck route.

Ideally, to meet the vision and create a pedestrian friendly environment through the planting of trees/flowers, placement of benches and garbage receptacles, while allowing sufficient space for outdoor patios, the sidewalks on Barton Street would have to be widened. The $330,000. allocated by the Province is not sufficient to cover the cost of sidewalk widenings given the scope of work that would be incurred.

Hamilton Hydro Electric System is planning to replace the existing wooden hydro poles with steel poles on the north side and concrete poles on the south side in 1997, and while this initiative is a positive one in helping to make the vision come true, this is an opportune time to consider implementing an alternative i.e. burying the overhead wires on the north-side only, which will reduce the overhead clutter and facilitate sidewalk widening and overall improvements to the area. This option is recommended given the complex nature of burying the overhead wires on the south-side as well as the number of transformers involved. From a fiscal point of view this option addresses the aesthetics of the street while at the same time is not as costly as complete burial.

INPUT BY MAYOR MORROW AND HAMILTON HYDRO ELECTRIC SYSTEMS:

Many meetings have taken place to discuss the three options available between staff and Hamilton Hydro Electric System and it remains Mayor Morrow's preference for burying the wires on both sides.

The following outlines the three options identified in the "Preliminary Cost Estimates for Various Streetscape & Hydro Improvement Options - Barton Street Revitalization" attached as Appendix 'A'.

OPTION 'A'
Burial of Overhead Wires Both Sides of Barton Street between Wellington Street North and Wentworth Avenue North - Sidewalk Widenings

This option will allow the incorporation of sidewalk widenings between Wellington Street North and Wentworth Avenue North. The light standards will be replaced with decorative standards. A substantial amount of roadway, curb, catch basin and sidewalk work is required for this option. Sidewalk widening and bumpouts will be implemented between Leeming Street and East Avenue North where the "no stopping" prohibition between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m. has been removed on a permanent basis and allows the road to be reduced to two-lanes. Sidewalk widening only will be implemented between Wellington Street North and East Avenue North and Wentworth Avenue North and Leeming Street.

Hamilton Hydro Electric System will bury the overhead wires on both sides of the street between Wellington Street North and Wentworth Avenue North. **Hamilton Hydro has advised that this option cannot be accommodated for implementation at the earliest, until the Fall of 1997 with completion the Spring of 1998,** given the time required for Public Works and Traffic Department to complete detailed design drawings which would then allow Hydro to complete engineering drawings.

The estimated cost for Option "A" is: $3,525,600.

Hamilton Hydro's Share	$ 400,000.
Province of Ontario's Share	$ 230,000. *
City of Hamilton's Share	$2,895,600.

***(Deadlines for expenditure of the monies are in place in the Agreement between the Province of Ontario and the City of Hamilton as follows: $100,000. to be expended prior to 1997 May 31 and $130,000. prior to 1998 May 31).**

OPTION 'B' - RECOMMENDED OPTION.
Burial of the Overhead Wires on the North-Side Only - Sidewalk Widenings - Wellington Street North to Wentworth Avenue North.

This option will allow sidewalk widenings on Barton Street between Wellington Street North and Wentworth Avenue North. A moderate amount of roadway, sidewalk, curb and catch basin work is required for this option. Sidewalk widenings and bumpouts will be incorporated between Leeming Street and East Avenue North where the "no stopping" prohibition between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m. has been removed on a permanent basis and allows the road to be reduced to two-lanes within this area. Sidewalk widening only will be implemented between Wellington Street North and East Avenue North and, Wentworth Avenue North and Leeming Street.

Hamilton Hydro Electric System will bury the overhead wires on the north side only of Barton Street between Wellington Street North to Wentworth Avenue North. The poles will be replaced with decorative light standards. The wires on the south-side will be "bundled" to detract from the overhead "spaghetti" effect. **Hamilton Hydro has advised that this option cannot be accommodated for implementation at the earliest, until the Fall of 1997 with completion in the Spring of 1998** given the time required for Public Works and Traffic Department to complete detailed design drawings and for Hamilton Hydro to complete engineering drawings.

The estimated cost of Option "B" is: $2,196,000.

Hamilton Hydro's Share	$ 800,000.
Province of Ontario's Share	$ 230,000.**
City of Hamilton's Share	$1,166,000.

****(Deadlines for expenditure of the monies are in place in the Agreement between the Province of Ontario and the City of Hamilton as follows: $100,000. to be expended prior to 1997 May 31 and $130,000. prior to 1998 May 31).**

OPTION 'C'
Replacement of Wooden Poles with Concrete Poles - Centre Boulevard and Limited Sidewalk Widenings - Leeming Street to East Avenue North

This option includes the cost to incorporate centre boulevards and a limited amount of sidewalk widenings. The placement of trees and flowers in the centre boulevard would architecturally change the character of the street while at the same time requiring less money for implementation then options "A" and "B" due to the fact that there will be very little impact on the existing roadway, curbs, sidewalks and catch basins. This project will be implemented between Leeming Street and East Avenue North where the "no stopping" prohibition between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. and 6:00 p.m. has been removed on a permanent basis allowing the street to be reduced to two lanes.

Hamilton Hydro Electric System will replace the wooden hydro poles with concrete poles on the south side and steel poles on the north and "bundle" the wires in order to reduce the overhead "spaghetti" effect.

This concept can be implemented and completed by the Fall of 1997.

The estimated cost of Option "C" is: $630,000.

Hamilton Hydro's Share	$400,000.
Province of Ontario's Share	$230,000.
City of Hamilton's Share	Nil

JP:HM:hm
P&DBar.Hydro

c.c. D. Lobo, Commissioner of Traffic and Public Works
L. King, Commissioner of Building
P. Noe Johnson, City Solicitor
A. Ross, City Treasurer
H. Soloman, Public Works and Traffic Department
G. Forbes, Special Projects Office
D. Marsales, Hamilton Hydro Electric System

APPENDIX 'A'

CITY OF HAMILTON

Department of Public Works & Traffic

Estimate in 1996 dollars

October 16, 1996

Preliminary Cost Estimates for Various Streetscape & Hydro Improvement Options

Barton Street Revitalization

Option A New Underground Hydro (U/G) along each side of Barton St. E. from Wellington St. N. to Wentworth St. N.
Streetscape development between East Ave. N. and Leeming St. including widened sidewalks each side and no boulevard in centre of the road.

Option B New Underground Hydro (U/G) only along north side of Barton St. E. from Wellington St. N. to Wentworth St. N.
New Overhead Hydro (O/H) along south side of Barton St. E. from Wellington St. N. to Wentworth St. N.
Streetscape development between East Ave. N. and Leeming St. including widened sidewalks each side and no boulevard in centre of the road.

Option C New Overhead Hydro (O/H) along south side of Barton St. E. from Wellington St. N. to Wentworth St. N.
Streetscape development between East Ave. N. and Leeming St. including boulevard in centre of the road.

No.	*Description*	**Option A** *Subtotal*	**Option B** *Subtotal*	**Option C** *Subtotal*
1	New underground hydro (both sides)	$1,300,000.00		
2	New Traditional lights on Victorian poles (i.e. Ferguson Ave. N.)	$360,000.00		
3	Sidewalk restoration - Wellington to Wentworth	$258,000.00		
4	Roadway restoration - Wellington to Wentworth	$120,000.00		
5	Landscape restoration - Wellington to Wentworth	$400,000.00		
6	Bell Canada - limited work	$30,000.00		
7	Cable TV - limited work	$20,000.00		
8	Streetscape redevelopment - East Ave. N. to Leeming St. (with widened sidewalks)	$400,000.00		
9	Traffic work	$50,000.00		
10	Landscape restoration - Wellington to Wentworth		$400,000.00	
11	New underground hydro (north side) & bundled O/H wires (south side)		$800,000.00	
12	New Marquis-style street lights on decorative poles (i.e. Main St. West)		$180,000.00	
13	Streetscape redevelopment - East Ave. N. to Leeming St. (with widened sidewalks)		$400,000.00	
14	Traffic work		$50,000.00	
15	New hydro poles & bundled O/H wires (south side) with standard streetlighting			$400,000.00
16	Streetscape redevelopment - East Ave. N. to Leeming St. (with centre boulevard)			$200,000.00
17	Traffic work			$15,000.00
	NET TOTAL	$2,938,000.00	$1,830,000.00	$615,000.00
	Contingency 20%	$587,600.00	20% $366,000.00	$15,000.00
	TOTAL	**$3,525,600.00**	**$2,196,000.00**	**$630,000.00**

Project Financing:

Hamilton Hydro	$400,000.00	$800,000.00	$400,000.00
Province of Ontario	$230,000.00	$230,000.00	$230,000.00
City of Hamilton	$2,895,600.00	$1,166,000.00	$0.00

Note: Cost estimates prepared from conceptual plans and subject to change during detailed design.

File: Barton_3.wk4

APPENDIX 'B'

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD**: Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY**:
   (a) Name (max. of 45 characters) Barton Street Revitalization
   (b) Type of Project Street
   (c) Location Barton Street (Wellington to Wentworth Streets)
   (d) Scope/Description of Work To create a pedestrian friendly environment through the planting of trees/flowers, placement of benches and garbage receptacles, sidewalk widenings and burial of overhead wires on the north side only.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS**:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER**: # 4 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No")**:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Streetscaping improvements to Barton Street is crucial to the revitalization of the area, resulting in increased pedestrian traffic and positive impact on the economics of the area.

6. **FEASIBILITY STUDY**:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT**:

(a)	START DATE (YEAR)	January 1997
(b)	COMPLETION DATE (YEAR)	December 1998
(c)	GROSS COST (Start Year Dollars)	$ 2,196,000.
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$ 230,000.
(e)	LESS OTHER RECEIPTS (Specify) Hamilton Hydro Electric Systems	$ 800,000.
(f)	NET CITY'S COST	$ 1,166,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ _____

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing	$ 23,000.
	Building Operations & Maintenance - utilities	$ _____
	Other (specify) _____	$ _____
	GROSS COST (All Inclusive)	$ 23,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 23,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Based on input received at public meetings with costs from previous Capital Projects of similar scope.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No x Yes __; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program) _____

(b) AT CITY'S COST OF $ _____

(c) SCHEDULED TO START IN THE YEAR _____

H. Milsome
Signature of Department Head/ Local Board Manager

28th Dec 96
Date

---

12. ***FUNDING (Treasury Department To Complete):***

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

7

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 6 1996

DATE: 1996 November 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Ontario Municipal Board Hearing
280 Weir Street North
Rental Housing Protection Act Application CU-93-001
Zoning Application 93-32

RECOMMENDATION:

That the City Treasurer recommend to the Finance and Administration Committee a source of funding for an upset limit of Ten Thousand Dollars to complete the Ontario Municipal Board hearing concerning Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.

BACKGROUND:

In March of 1994, City Council, upon the recommendation of the Planning and Development Committee denied a Rental Housing Protection Act (RHPA) Application and Zoning Application for the above site. The Applicant had sought to convert an existing 11 unit rental residential apartment building to a residential care facility. The rents for the existing residential units are extremely low, (approximately $310. per month for a one bedroom unit and $340. for a two bedroom unit).

The denials were appealed to the Ontario Municipal Board by the property owner's lawyer. A hearing concerning these matters commenced on 1996 November 5. (A copy of the Board's disposition is attached as Schedule "A" for the convenience of the Committee.)

To defend the position that had been taken by City Council, the Law Department retained an independent planning consultant to support the position taken by Council with respect to the zoning application and an independent housing consultant to support the decision of Council with respect to the RHPA Application. A separate consultant was retained for the RHPA appeal in light of the specialized evidence that is anticipated to be presented at the hearing. The housing consultant retained by the City was recommended by several leading planning consulting firms. Having recommended that the applications be approved, the City Planning and Development Department is adverse to the position taken by Council.

Fees for the payment of outside consultants in such circumstances is usually made from the Planning and Development Department's Planning consultant account. That account was budgeted at $6,100. for 1996 and was exhausted early in March of 1996. The same account is also used for the payment of outside planning consultants that are retained by the Planning and Development Department for special studies such as Gore Park, the GO Station and Neighbourhood Plans.

Upon exhaustion of the Planning and Development Department's consultant account, the Law Department has paid for the consultants fees which have been submitted to date. Approximately $12,000. has been spent on the hearing so far, (approximately $4,000. for the planner and $7,800. for the housing consultant). A large portion of this expense can be attributed to the preparation of an extensive report which is required to support the position taken by Council on the Rental Housing Protection Act Application.

Four days have been set aside to complete the hearing in December of 1996. Based on the balance of work remaining, it is anticipated that additional funding will be required. As the current balance of the Law Department's account for outside counsel is insufficient to continue the payment of the consultants, a recommendation is being made for additional funding.

PNJ/AZ/js
Attach

c.c. S. K. Reeder, Secretary
Finance and Administration Committee
c.c. A. C. Ross, City Treasurer

SCHEDULE "A"

96-5 170
NOV 19 96
1996-6 FOLIO 299

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

M 940036
Z 950174

RECEIVED
NOV 21 1996
LAW DEPARTMENT

Mike Ilich has appealed to the Ontario Municipal Board under subsection 13(2) of the Rental Housing Protection Act, R.S.O. 1990 c.R24, from a decision of the Council of the City of Hamilton which denied his application for conversion of 11 rental residential apartments units to 20 residential care facility spaces respecting 280 Weir Street North in the City of Hamilton
OMB File No. M 940036

Mike Illich has appealed to the Ontario Municipal Board under subseciton 34(11) of the Planning Act, R.S.O. 1990, c.P. 13, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 280 Weir Street North by modifying the DE (Low Density Multiple Dwelling) district regulation to permit a residential care facility
OMB File No. Z 950174

COUNSEL:

Arthur Zuidema	for	City of Hamilton
James A. Scarfone	for	Mike Illich

DISPOSITION delivered by J.R. MILLS on November 5, 1996
AND ORDER OF THE BOARD

Not enough time was allowed for this hearing. The hearing will reconvene Monday, December 16, 1996 for a period not exceeding four days. Mr. Zuidema will make the necessary accommodation reservations and advise the Board and Mr. Scarfone accordingly.

All witnesses statements and reports to be relied on are to be exchanged by the parties on or before the close of business November 30, 1996. After hearing argument from both counsel, based on the uncontradicted evidence of Mr. Gaunt, the Board ordered orally that the Rental Housing Protection Act did apply to this application. The Board so orders.

"J.R. Mills"

J.R. MILLS
MEMBER

8.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 December 4
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 November 20

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

a) Concession Street B.I.A. Proposed Budget and Schedule of Payments for 1997

b) Lot Grading, Almas Gardens - Phase 5, Hamilton

c) Ottawa Street Revised Board of Management

C. BUILDING COMMISSIONER

a) 571 Upper Kenilworth Ave - demolition

b) 56 Crosthwaite Ave N - demolition

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Removal of Holding Provision - 1425 to 1429 Upper James Street

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1996 November 20
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman G. Copps Alderman W. McCulloch Alderman M. Caplan Alderman B. Charters Alderman H. Merling
Regrets:	Mayor R. Morrow, Civic Business Alderman F. Eisenberger, Illness
Also Present:	Alderman M. Kiss Victor Abraham, Director of Local Planning Bill Janssen, Planning Department Joanne Hickey-Evans, Planning Department Eugene Chajka, Regional Environment Department Peter Lampman, Building Department Mark Mascarenhas, Building Department Roland Karl, Public Works and Traffic Bob Chrystian, Public Works and Traffic Hazel Milsome, Public Works and Traffic Patrice Noé Johnson, City Solicitor Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 96-13 and Draft Plan of Subdivision Application 96-02, by 1099689 Ontario Inc. (Micor Developments) owner, for a change in zoning from "AA" District to "C" District for lands located south of Kordun Street and west of Upper Paradise.**

Joanne Hickey-Evans advised that the proposal is for 73 single detached units, some parkland and 5 streets, the zoning is being changed from Agricultural to "C" zoning. The department is recommending that a holding zone be put in place until the land is serviced. The proposal complies with the Official Plan and the Falkirk West Neighbourhood Plan. It is compatible with surrounding development. Of 156 notices circulated, 5 responded in favour and 16 opposed.

Nick Corrado of Wellington Consultants was present on behalf of the applicant. He stated that certain traffic problems have been avoided by realigning the present roads. All the lots are 40 to 55 feet in width. The court lots are slightly larger.

Lynn Grace Kenworthy of 42 Kordun Street was present. She stated that there is too much traffic onto Stone Church Road. She objects because there are only 2 exits from Kordun Street and Juliebeth Drive.

Nick Corrado advised that when the development is completed there will be 3 exits.

Karen Fraser of 15 Juliebeth Drive was present. She stated that it is difficult to turn onto Stone Church Road. She submitted a petition in opposition to the development because of safety and traffic reasons.

Valerie Giammichele of 23 Juliebeth Drive was present. She was concerned about traffic and safety hazards.

In response, Mr. Corrado stated that traffic concerns can be addressed at Stone Church Road and Upper Paradise intersection. He stated that the neighbourhood plan has been approved and at that time these concerns were not raised. He suggested that stop signs may help the traffic concerns.

Alderman D'Amico stated that the City is looking at installing various stop lights and stop signs. There are plans to widen Upper Paradise Road to 4 lanes. There is also a petition being submitted for a 3-way stop at Kordun Street and Juliebeth Drive.

Roland Karl advised that he is expecting that with the opening of the Highway next year, there will be a decrease in traffic on Stone Church Road. The construction stage should be onto Upper Paradise Road in order to alleviate concerns into the existing residential neighbourhood abutting directly to the north. The Traffic Department will look at and review the timing of the Upper Paradise and Stone Church signal. He also stated that for a development of this size 3 access points are not too few.

Mr. Chajka explained that the Committee might want to ad a condition that the developer be required to construct a paved access road to Upper Paradise prior to the development of lands.

The Committee resolved that the main motion be amended by adding a condition with regard to the construction of a paved access road to Upper Paradise.

Following a discussion, the Committee resolved that the recommendation of the Director of Planning and Development dated 1996 November 14 be recommended to Council as amended as follows:

A. (a) That approval be given to Subdivision Application 96-02 (Regional File No. 25T-96006), 1099689 Ontario Inc. (Micor Developments), owner, to establish a draft plan of subdivision "Bayview Glen Estates - Phase II", for lands located south of Kordun Street and west of Upper Paradise Road, comprising of 73 lots for single detached dwellings, a block for parkland, and to establish 5 local streets, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Wellington Consultants and certified by S.D. McLaren, O.L.S., dated August 30, 1996, showing 73 lots for single detached dwellings, and to establish 5 local streets (see attached APPENDIX "A");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That the lot lines for Lots 53, 54, and 55 be modified, to the satisfaction of the Manager of Traffic Planning to avoid the potential overlapping of driveways within the road allowance;

(viii) That the Owner dedicate Block "A" to the City of Hamilton for park purposes;

(ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(x) That the Owner provide fencing along the westerly limits of Lots 36 - 39 inclusive and Lots 50 to 53 inclusive adjacent to the Tiffany Creek Environmentally Sensitive Area and along the southerly limits of Lots 53 - 58 inclusive adjacent to Block "A", that being the future neighbourhood park;

(xi) That the owner convey all lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton by deed.

(xii) That the owner show 0.30m reserves at the east limit of Street "B" and the south limit of Street "D" as separate Blocks on the Final Plan, to be conveyed to the City by deed.

(xiii) That Street "A" must align centreline to centreline with Juliebeth Drive, as established by Plan 62M-517

(xiv) That Lots 63 to 73 inclusive not be developed until the adjacent lands to the south are registered or alternatively, the owner acquire the necessary lands to establish and construct the adjacent road to its full width.

(xv) That the curvilinear road pattern as provided in the Approved Falkirk West Neighbourhood Plan be established to the satisfaction of the Regional Roads Department and the City of Hamilton Public Works and Traffic Department.

(xvi) That 9m radius transitions into and out of the 15m radius cul-de-sacs be established on the Final Plan of Subdivision.

(xvii) That the road allowance of Street "B" be shown as 20.0m on the Final Plan of Subdivision.

(xviii) That the stormwater management facility be established prior to development of any portion of these lands, known as "Bayview Glen Estates - Phase 2"

(xix) That the owner submit a report to the satisfaction of the Regional Environment Department outlining the size, location, timing and cost of the proposed stormwater management facility, prior to development of any of these lands.

(xx) That the owner acquire the necessary lands and construct the stormwater management facility, or enter into an agreement with the benefitting owner of the adjacent lands to the south ("Paradise Green"), addressing a cost-sharing arrangement and outlining details with respect to timing and construction, prior to registration of the Final Plan for "Bayview Glen Estates - Phase 2".

(xxi) That the owner submit a sediment and erosion control plan to the satisfaction of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Regional Environment Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(xxii) That the proposed stormwater management facility be maintained by the owner up to and including one (1) year after the final building has been constructed, prior to being owned outright by the City.

(xxiii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(xxiv) That a public street be established and constructed to Upper Paradise Road through lands to the east and south of this plan of subdivision, prior to the development of these lands, to the satisfaction of the Commissioner of Environment.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96006), 1099689 Ontario Inc. (Micor Developments), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

B. That approval be given to amended Zoning Application ZAC-96-13, 1099689 Ontario Inc. (Micor Developments), owner, for a change in zoning from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District for lands located south of Kordun Street and west of Upper Paradise Road, as shown on the attached map marked as APPENDIX "B", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;

(b) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services servicing the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1372, and that the subject lands on Zoning District Map W-9B be notated S - 1372;

(d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. **Zoning Application 96-11, Alfrin Enterprises Corporation (Al Frisina) owner, for a further modification in zoning to the established "C" District for lands located at 73 Garfield Avenue South.**

A submission was received by Michael J. Wychopen in opposition to the proposal.

Joanne Hickey-Evans advised that the proposal is for conversion of an existing building for a 50 resident care facility. In 1990, 2 zoning applications were put forward. One for 18 apartments and the second for 14 apartments. Both were denied and the applications went to the Ontario Municipal Board who approved the development for 10 apartments only. The zoning by-laws presently only allow a care facility with 6 beds. There is also a restriction that it be located 180 meters from other similar facilities. There are 3 other facilities within 180 meters of this building, therefore, staff cannot support the proposal.

Of 269 notices circulated, 22 replied in favour and 11 opposed.

Al Frisina, applicant, of 554 Rymal Road West, Hamilton was present and supported the application. He stated that to the development of 10 apartment units is not economically feasible. The property values have decreased and the property has dilapidated in the past 4 years. The existing building is in a residential area and they would like to have it for a senior's building.

Mark Daniel of 43 Garfield Avenue S. was present. He stated that parking is a very big problem. The area has small units and already has existing lodging homes. He also suggested that the sewers may not be able to handle the capacity.

Mario Delvechio of 80 Dunsmure Street was present. He state that there was too much garbage abutting his property from this property. It should have been developed years ago.

Irene Liskauskas of 38 Garfield Avenue South was present. She stated that there is no room to park and she stated that it should be the developers concern to properly develop the building when they knowingly purchased it in this residential area.

Mike Marinelli of 78 Fairholt Street South was present. He stated that the building is destroyed and looks unsightly. It drives the cost of houses down. Fifty beds plus the support staff are too much to be accommodated in such a small building.

Alderman Copps stated she is opposed because it is not compatible with surrounding uses.

Mr. Frisina stated that the staff report says that sewers would sustain the number of residents he is proposing. In terms of garbage, he is trying to keep the property clean. The vacant cars in the rear of the property do not belong to Mr. Frisina. He stated that in terms of traffic concerns, he would try to work with the City to resolve these concerns. In response to Alderman Copps, he stated that he did not purposely let the building deteriorate. He only wants it to be a seniors residence, such as the seniors residence at Rosalyn, who very rarely has more than 2 cars in the parking lot.

Alderman Copps stated she is opposed because it is not compatible with surrounding uses.

Alderman Drury stated that something must be done with the building, but that the proposal is too intense for that building. He is prepared to sit down and work a viable arrangement to do something similar to the Rosalyn development, where no offenders are permitted and no psychiatric patients with ongoing care are permitted.

Following discussion, the Committee resolved that the matter be tabled to the meeting in January in order to allow the Ward Aldermen to meet with the residents and the applicants, to work towards a solution.

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

City Initiative 96-I, Parking Requirements for Residential Uses in the Downtown (Second Report)

Submissions were received from the following:

(a) Mary-Anna McQuade, President, Strathcona Community Council
(b) Jackie Pfander, Secretary, Strathcona Community Council
(c) Dale Brown, Kirkendall Neighbourhood Association
(d) L. Browett, Stinson Community
(e) Richard Gillespie, Beasley Neighbourhood Association
(f) Marvin Sheppard, Durand Neighbourhood Association

Alderman McCulloch requested and was granted permission to waive the rules of order to allow delegations to speak.

Joanne Hickey-Evans stated that the areas have been realigned to remove the mainly residential pockets from the downtown area.

Hall Costie, President of Corktown Neighbourhood Association and resident of 11 Liberty Street, was present. He stated that traffic and parking are the important issues in the downtown neighbourhoods and in the downtown core. He stated that he wants the best for the downtown but they do not want to create new problems. Neighbourhoods must first be stablized and this is not the solution to the downtown core problem. It is proposed that upscale living be placed in the downtown core and he suggested that upscale people who want to live in this style will want parking. In his opinion, the proposal defeats the purpose of revitalization in the downtown core.

Marvin Shepard of the Durand Neighbourhood Association and resident of 104 Aberdeen Avenue was present. He agrees with the concerns with the other Associations, but, in general the Durand Neighbourhood Association supports the new plan.

Lisa Browett of 106 Stinson Street was present. She stated that there are already parking problems and this will only make matters worse. There are presently not enough spots for existing residents in the area and no parking for visitors.

Alderman Copps stated that she is opposed to the proposal.

Alderman McCulloch stated that new development would probably provide parking, but that conversion units may not and this will not help the traffic and parking problems.

In response to a question from Alderman McCulloch, Roland Karl stated that there are traffic restrictions which can be implemented but these would also effect the residents and the visitors to the residents.

In response to a question from Alderman Kiss, Joanne Hickey-Evans advised that representatives from the Kirkendale and Strathcona neighbourhoods were invited to the meeting.

Alderman Caplan felt that there is more than amply parking in the downtown core. There are more spots than residences in the downtown core. He supports this, since he feels that the potential benefits outweigh the negatives.

Alderman Charters concurred and stated that there is only a 3 year time limit on this. He stated though that the area might be slightly bigger than it should be.

After a brief discussion, the Committee resolved that the recommendation of the Director of Planning dated 1996 October 30 be recommended to Council as follows:

That approval be given to amended City Initiative 96-I respecting the elimination of the parking requirement for residential uses for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street, as shown on the attached map marked as APPENDIX "C", for a period not to exceed three years, on the following basis:

(a) That the regulations as contained in Section 18A - PARKING AND LOADING REQUIREMENTS of Zoning by-law No. 6593, be modified to eliminate the parking requirement for residential uses, for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street for a three year period, as follows:

(i) that Zoning By-law No. 6593 be amended by including a new Schedule "K" - Downtown Residential Parking Area;

(ii) that Zoning By-law No. 6593 be amended by adding a new Section 18A.(42) as follows:

"Except for residential care facilities and short term care facilities, where residential uses mentioned in paragraph 1 of Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for the period between November 1, 1996 and September 1, 1999."

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. CHIEF ADMINISTRATIVE OFFICER

The Players' Guild of Hamilton Inc.
Land Donation: Ray Street and Jackson Street

As recommended in a report from the Chief Administrative Officer dated 1996 November 15, the Committee recommended to Council as follows:

(a) That the property on the corner of Ray Street and Jackson Street West owned by the Players' Guild of Hamilton Inc. be recognized as a sesquicentennial gift to the Hamilton community;

(b) That the City endorse the donation of the property to Hamilton Habitat for Humanity and support development of the site for a single family dwelling.

5. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1996 November 6 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) International Village B.I.A. - 1997 Budget - dated 1996 November 11

(i) That the 1997 operating budget for the International Village B.I.A. (attached as APPENDIX "D") be approved in the amount of fifty-three thousand, five hundred dollars ($53,500.); and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as reference in (a) above; and,

(iii) That the following schedule of payments for 1997 be approved:

January 01	$26,750.
September 01	$26,750.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

(b) Downtown Hamilton B.I.A. - 1997 Budget - dated 1996 November 14

(i) That the 1997 operating budget for the Downtown Hamilton B.I.A. (attached as APPENDIX "E") be approved in the amount of eighty-four thousand dollars ($84,000.); and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,

(iii) That the following schedule of payments for 1997 be approved:

January 01	$21,000.
March 01	$21,000.
June 01	$21,000.
September 01	$21,000.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

(c) Barton General B.I.A. - 1997 Budget - dated 1996 November 11

(i) That the 1997 operating budget for the Barton General B.I.A. (attached as APPENDIX "F") be approved in the amount of eight thousand, seven hundred and sixty dollars ($8,760.); and,

(ii) That the City Treasurer by hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as reference in (a) above; and,

(iii) That the following schedule of payments for 1997 be approved:

January 01	$2,190.
March 01	$2,190.
June 01	$2,190.
September 01	$2,190.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

(d) Main West Esplanade B.I.A. - 1997 Budget - 1996 November 12

(i) That the 1997 operating budget of the Main Street West Esplanade B.I.A. (attached as APPENDIX "G") be approved in the amount of $10,000; and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,

(iii) That the following Schedule of Payments for 1997 be approved:

January 01	$2,500.
March 01	$2,500.
June 01	$2,500.
September 01	$2,500.

NOTE: 1996 levy arrears will be deducted from the payments for 1997

(e) Westdale Village B.I.A. - 1997 Budget - dated 1996 November 12

(i) That the 1997 operating budget of the Westdale Village B.I.A. (attached as APPENDIX "H") be approved in the amount of $35,000; and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,

(iii) That the following Schedule of Payments for 1997 be approved:

January 01	$11,000.
March 01	$ 8,000.
June 01	$ 8,000.
September 01	$ 8,000.

NOTE: 1996 Levy arrears will be deducted from the payments for 1997

(f) Ottawa Street B.I.A. - 1997 Budget - dated 1996 November 12

(i) That the 1997 operating budget of the Ottawa Street B.I.A. (attached as APPENDIX "I") be approved in the amount of $50,000.; and,

(ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,

(iii) That the following Schedule of Payments for 1997 be approved:

January 15	$12,500.
March 15	$12,500.
June 15	$12,500.
September 15	$12,500.

NOTE: 1996 Levy arrears will be deducted from the payments for 1997.

(g) Downtown Hamilton B.I.A. - Revised Board of Management - dated 1996 November 14

(i) That Schedule "B" By-law No. 95-046, appointing the Downtown Hamilton B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay

G. Attard	The Ramada Hotel
D. Brocker	Royal Connaught Howard Johnson Hotel
P. Pappas	Joe Buddinski's
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-046.

(h) Barton General B.I.A. - Revised Board of Management - 1996 November 11

(i) That Schedule "B" of By-law No. 95-044, appointing the Barton General B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-044 pursuant to (a) above.

(i) International Village B.I.A. - Revised Board of Management - 1996 November 11

(i) That Schedule "B" of By-law No. 95-041, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

Wolfgang Schoen	The Black Forest Inn
Gord Thompson	Thompson Jewellery and Pawn
John Kenyon	Payne Music
Paul Kircos	Alexanian Carpets

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-041 pursuant to (a) above.

(j) Main West Esplanade B.I.A. - Revised Board of Management - 1996 November 12

(i) That Schedule "B" of By-law No. 95-043, appointing the Main Street West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE "B"

Karen Mullholland	Taco Bell
Izabela Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
A. Perniac	Lorne Haverty Ltd
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank

M. Barnard — Barnard & Speziale Design Associates Inc.

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-043, and replace it pursuant to (a) above.

(k) Community Renewal, Public Works, and Traffic - 1997 to 2006 Provisional Capital Budget

The Committee approved the recommendation as follows:

(i) That the capital projects attached herto as APPENDIX "J" from the Public Works and Traffic Department, Community Renewal, Parks Division, attached herto as APPENDIX "J" be considered for inclusion in the ten year 1997-2006 Provisional Capital Budget; and,

(ii) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

Alderman Copps stressed her concern with the fact that Parkview East and West has been postponed to the year 2006.

Hazel Milsome responded that staff was told to put off any projects with large maintenance budgets until the year 2006.

C. BUILDING COMMISSIONER

(a) Hamilton Emergency Loan Program - 869 Queensdale Ave E - dated 1996 November 4

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Joseph Kennedy, 869 Queensdale Avenue East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(b) 1508 Upper James St - demolition - dated 1996 November 8

That the Building Commissioner be authorized to issue a demolition permit for 1508 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(c) 1514 Upper James St - demolition - dated 1996 November 8

That the Building Commissioner be authorized to issue a demolition permit for 1514 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(d) Building Department 1997-2006 Provisional Capital Budget - dated 1996 November 13

The Committee approved the recommendation as follows:

(i) That the capital projects from the Building Department attached hereto as APPENDIX "K" be considered for inclusion in the ten year 1997-2006 Provisional Capital Budget; and,

(ii) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) 1997 Planning and Development Committee Schedule - 1996 November 13

The Committee approved the schedule of meetings for the Planning and Development Committee for 1997 attached hereto as APPENDIX "L".

The Chairperson advised that there will only be one meeting in January 1997, since there are no scheduled public meetings to take place and there are no Agenda items at this time. There will still be a meeting to take place on 1997 January 22. Should a meeting be necessary, it will be called by the Chairperson.

(b) Information Items

The Committee acknowledged the following items for information which were received under separate cover.

(i) Building Commissioner re: Time Frame for Review/Issuance of Permits, dated 1996 November 6

(ii) Law Department re: 1996 October 15 Letter from John J. Ross re: Student Housing, dated 1996 November 8

(iii) Secretary, LACAC re: Minutes of the Meeting held 1996 October 8, dated 1996 November 11

(iv) Promethean electronics re: Mohawk College Radio Tower, dated 1996 November 4

(v) Building Commissioner re: regulation of Mobile Signs- Status Report, dated 1996 November 14

6. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session to discuss property matters and reconvened immediately thereafter with the following report:

AA. BUILDING COMMISSIONER

(a) Hamilton Emergency Loan Program - 118 Balmoral Ave S

The Committee approved the recommendation dated 1996 November 6 and recommended to Council as follows:

That the total outstanding Hamilton Emergency Loan Program for Frank Zavarella, 118 Balmoral Avenue South, Hamilton, in the amount of one thousand, six hundred and ninety-four and sixty cents ($1,694.60) be placed on the tax rolls.

(b) Hamilton Emergency Loan Program - 37 Burlington St E

The Committee approved the recommendation dated 1996 November 6 and recommended to Council as follows:

That the total outstanding Hamilton Emergency Loan Program for Lisa Blawatt, 37 Burlington Street East, in the amount of one thousand, three hundred and seventy-eight dollars and seventy-one cents ($1,378.71) be placed on the tax rolls.

(c) **Commercial Property Improvement Loan Program - 489 Concession St.**

The Committee approved the recommendation dated 1996 November 6 and recommended to Council as follows:

That the total outstanding Commercial Property Improvement Loan Program for Daniel R. Logan and Lauchlin D. Cameron, 489 Concession Street, in the amount of five thousand and sixty-nine dollars and sixty-four cents ($5,069.64) be placed on the tax rolls.

7. **OTHER BUSINESS**

33 Clifford Street

Alderman Kiss stated that the neighbourhood residents are upset that the original building is now being converted into a garage. Peter Lampman advised that this is legal.

Alderman Kiss added that there will 14 bedrooms when this building is finished. She was concerned that Monster Homes are still being built.

In response to a question, Peter Lampman stated that if the garage is converted to live-in space, the owners can be fined and may go to court.

In response to a question with regard to what can be done in these situations, Peter Lampman stated that some municipalities require parking per bedroom, such that each bedroom would require a parking space, for example.

Joanne Hickey-Evans stated that there is going to be a public meeting held in January with regard to this matter.

The Committee directed Building, Law and Planning staff to bring a report back on how a proposal can be put in place to prohibit Monster Homes with a large amount of building such as this one, which has 14.

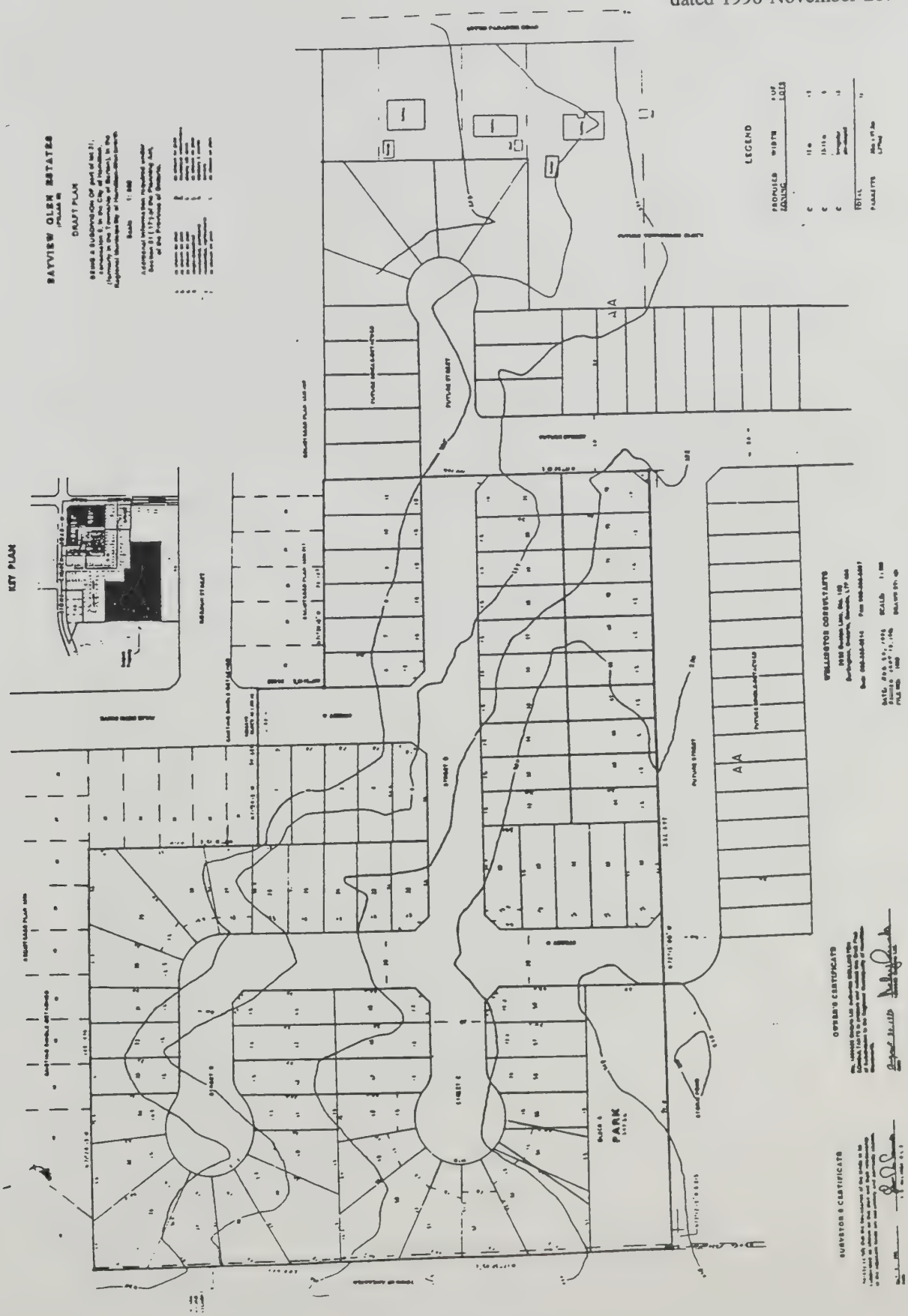
8. **ADJOURNMENT**

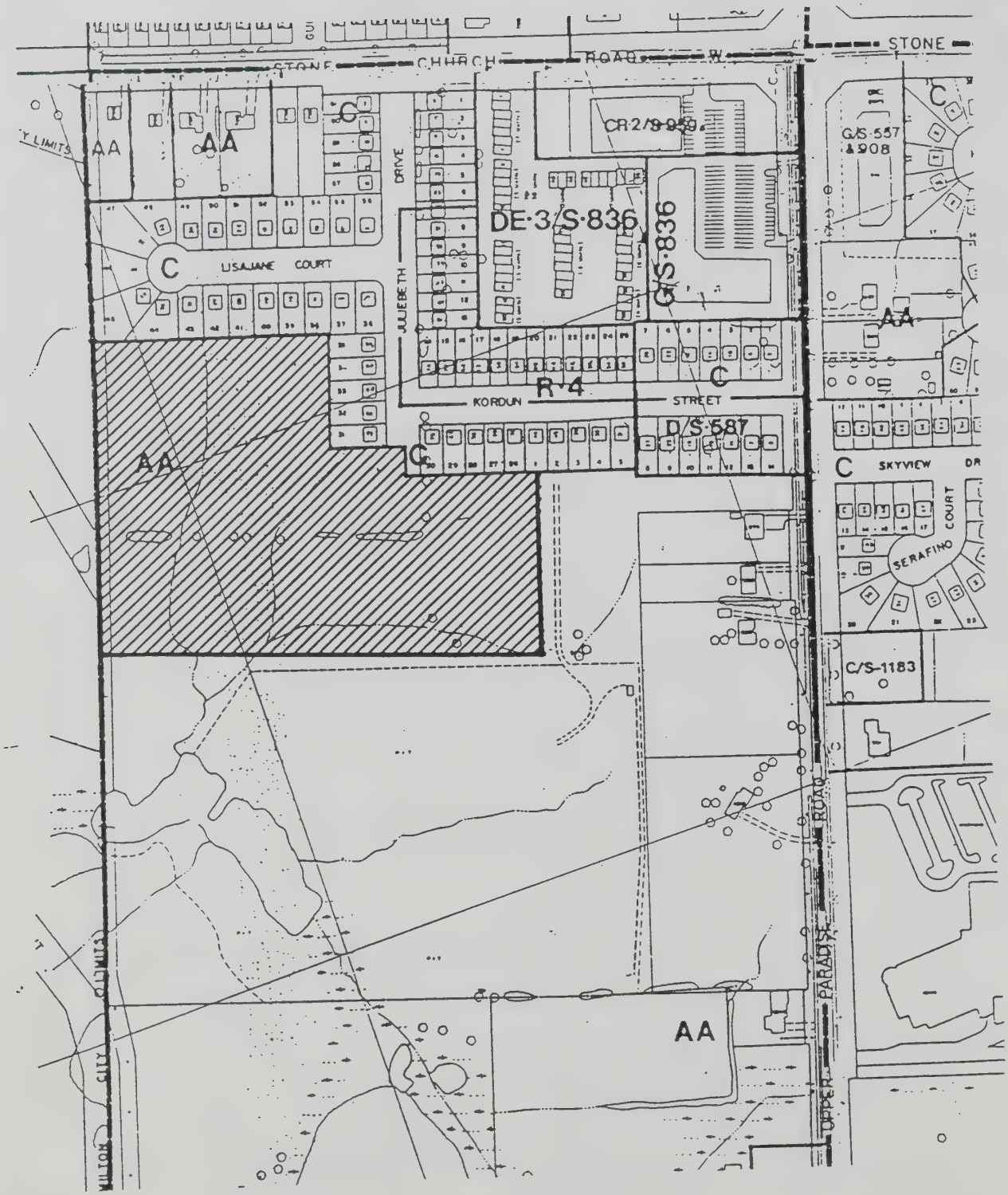
There being no further business, the Committee meeting adjourned.

Alderman D. Drury
Chairman
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" as referred to in
Section 1. A. (a)(i) of the Planning and
Development Committee Minutes
dated 1996 November 20.





Legend

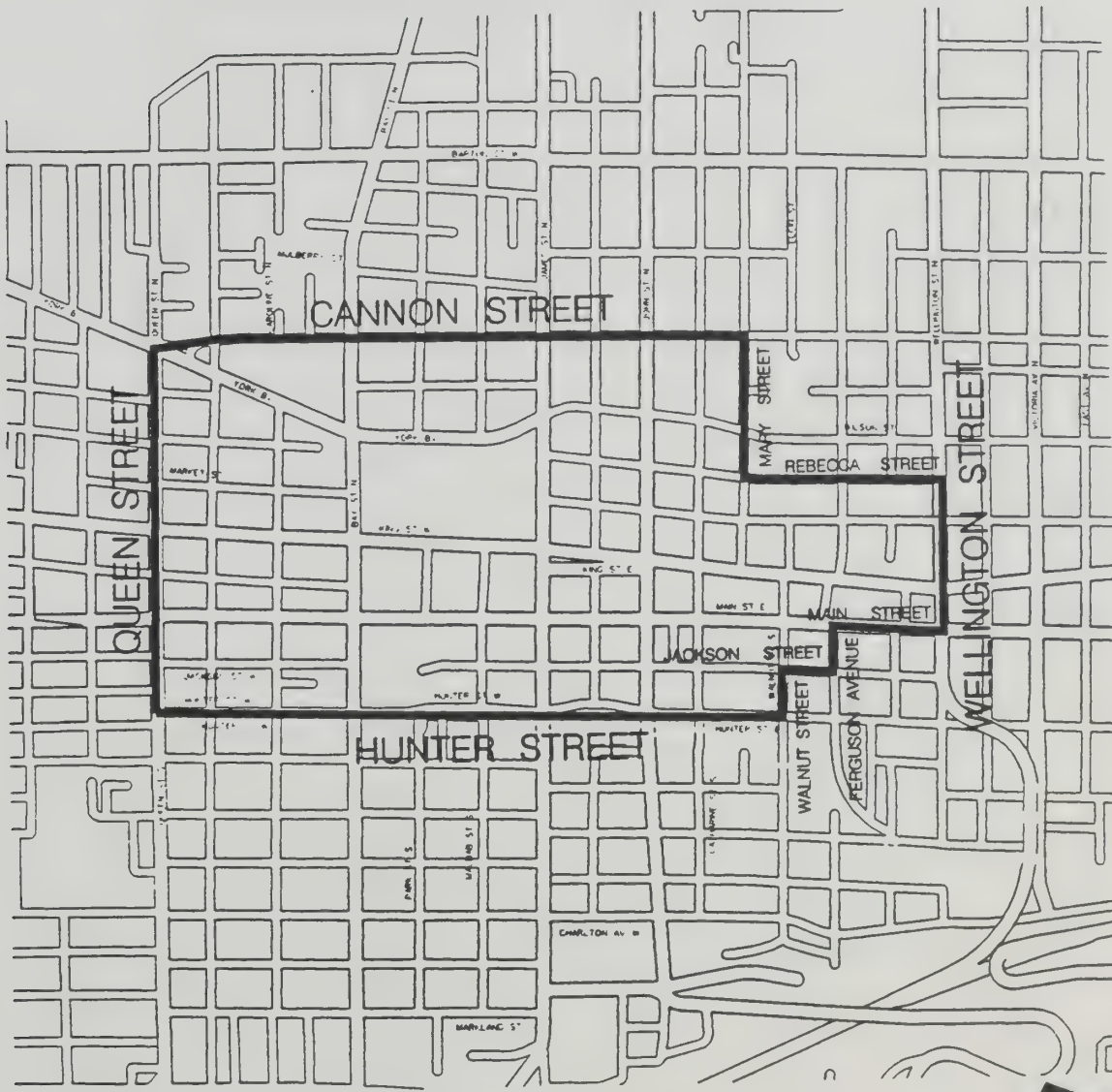
Site of the Application

ZAC-96-13
SAC-96-02

Appendix "B" as referred to in Section 1. B. of the Planning and Development Committee Minutes dated 1996 November 20.

Schedule 'K' to Zoning By-Law No.6593

Residential Parking in the Downtown



CI-96-1
Amended

AREA A Proposed "0" Parking Area for Residential Development

Appendix "C" as referred to in Section 3. of the Planning and Development Committee Minutes dated 1996 November 20.

Appendix "D" as referred to in
Section 5. B. (a) (i) of the Planning and
Development Committee Minutes
dated 1996 November 20.

INTERNATIONAL VILLAGE B.I.A.'S
1997 OPERATING BUDGET

OPERATIONS:

Rent	$2,000.
Utilities	$1,900.
Telephone	$1,000.
Office Supplies, Office Equipment	$1,500.
Bank Charges	$ 400.
	$6,800.

WAGES:

Executive Director	$20,000.
	$ 3,000.
	$23,000.
Insurance	$ 1,300.
Audit	$ 400.
Print/Radio Advertising	$ 3,500.
Promotion	$ 4,500.
	$ 9,700.
Allowance for Uncollected Levies	**$14,000.**
T O T A L	**$53,500.**

Appendix "E" as referred to in
Section 5. B. (b) (i) of the Planning and
Development Committee Minutes
dated 1996 November 20.

DOWNTOWN HAMILTON B.I.A.
1997 BUDGET

Management Fees	$25,000.
Promotions/Special Events	$16,000.
Beautification	$ 5,000.
Administration	$20,000.
Reserve	$18,000.
TOTAL	**$84,000.**

Appendix "F" as referred to in
Section 5. B. (c) (i) of the Planning and
Development Committee Minutes
dated 1996 November 20.

BARTON GENERAL B.I.A.
1997 OPERATING BUDGET

EXPENSES	AMOUNT
Wages	$3,400.
Rent	$2,200.
Phone/photocopier/fax	$ 250.
Office supplies/postage	$ 50.
Insurance	$ 810.
Hall Rental/Dinners	$ 750.
Contingency Fund	$ 300.
Advertising	$1,000.
TOTAL	**$8,760.**

Appendix "G" as referred to in
Section 5. B. (d) (i) of the Planning and
Development Committee Minutes
dated 1996 November 20.

MAIN STREET WEST ESPLANADE

CHRISTMAS ORNAMENTS	$1,800.
BARRIERS	$ 250.
HYDRO	$1,300.
MEETINGS	$ 400.
EXPENSES TO BE INCURRED FOR MAIN ST. WEST FROM LOCKE TO DUNDURN(ABOVE NOTED EXPENSES TO INCREASE AND PURCHASE CHRISTMAS ORNAMENTS, LIGHTING	$6,250.
TOTAL	$10,000.

Appendix "H" as referred to in Section 5. B. (e) (i) of the Planning and Development Committee Minutes dated 1996 November 20.

WESTDALE VILLAGE B.I.A.

Proposed Budget 1997
$35,000

Uncollectible levies	**$5,000.00**
Fixed Expenses	**$15,000.00**
Audit fees, Director's insurance, comprehensive insurance, fax & copy charges, Board Meeting meals, beautification, office supplies, office space, staff, phone, miscellaneous.	
Marketing & Advertising	**$15,000.00**
	$35,000.00

THE FOLLOWING INFORMATION WAS ADOPTED BY WESTDALE VILLAGE BIA WITH RESPECT TO THE EXPENDITURE OF THE $35,000. TO BE APPROVED ACCORDING TO THE FOLLOWING DISCRETIONARY SPENDING POLICY:

0-$25.99 MAY BE SPENT WITHOUT BOARD OF MANAGEMENT APPROVAL. DETAILED INVOICES/RECEIPTS MUST BE SUBMITTED TO THE TREASURER.

$26.00-$999.99 MAY BE SPENT WITH 5 BOARD DIRECTORS SIGNATURES MANDATORY ON THE PURCHASE ORDER BEFORE A CHEQUE IS ISSUED.

$1000.00-$4999.99 AT THE WILL OF THE BOARD OF MANAGEMENT, THIS AMOUNT OF MONEY MAY BE SENT ACCORDING TO THE GUIDELINES FOR THE $26.00-$999.99 CATEGORY OR THE BOARD OF MANAGEMENT MAY SEND THE REQUEST TO A COMMITTEE REQUESTING A DETAILED PLAN TO BE SUBMITTED AND APPROVED.

$5,000.00 AND OVER, A DETAILED BUDGET AND PLAN MUST BE PRESENTED TO THE BOARD AT LEAST 6 MONTHS PRIOR TO THE EVENT.

* NOTE: ALL COMMITTEES MUST HAVE AT LEAST ONE BOARD MEMBER WHO IS RESPONSIBLE TO PRESENT THE PROPOSAL AT THE BOARD MEETING.

Appendix "I" as referred to in
Section 5. B. (f) (i) of the Planning and
Development Committee Minutes
dated 1996 November 20.

OTTAWA STREET B.IA.
PROPOSED BUDGET 1997

ADVERTISING	
CHRISTMAS & SUMMER FEST	$15,300.
OFFICE EXPENSES	
ADMINISTRATION	$ 1,200.
PRINTING	$ 2,500.
RENT	$ 1,200.
TELEPHONE	$ 1,000.
UTILITIES	$ 800.
OFFICE COORDINATOR	$15,000.
UNPAID LEVIES (CONTINGENCY FUNDS)	$13,000.
TOTAL BUDGET FOR 1997	$50,000.

The Corporation of the City of Hamilton

1997-2006 PROVISIONAL CAPITAL BUDGET PROGRAM

September - 1996

PUBLIC WORKS & TRAFFIC - COMMUNITY RENEWAL

1997 PROJ NO.	DEPT.	PROJECT DESCRIPTION	PROJECT START	PROJECT FINISH	GROSS COST	RECEIPTS SUBSIDY	NET FINANCING 1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	ANNUAL OPERATING COST	1996 PROJ NO.
1.0	PWD-C	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE I	1997	1997	743		743										26	201.0
2.0	PWD-C	FERGUSON AV IMP. - PED/BICYCLE LINK - PHASE I (KING WILL. - MAIN)	1997	1997	779		779										43	197.0
3.0	PWD-C	DOWNTOWN ACTION PLAN INTERCONNECTING STREETS - PHASE VI	1997	1997	800		800										21	203.0
4.0	PWD-C	BARTON STREET REVITALIZATION	1997	1997	630	630	0										35	NEW
		1997 - Sub -Total - Community Renewal (net City Costs - 4,613)			2,952	630	2,322	0	0	0	0	0	0	0	0	0	125	0
5.0	PWD-C	CROWN POINT EAST/MCANULTY - PHASE II	2006	& After	542											542	7	196.0
6.0	PWD-C	FERGUSON AV IMP. - PED/BICYCLE LINK - PHASE II	2006	& After	3,121											3,121	61	197.0
7.0	PWD-C	STIPELEY SOUTH NEIGHBOURHOOD	2006	& After	551											551	29	198.0
8.0	PWD-C	PARKVIEW (EAST & WEST)	2006	& After	266											266	14	194.0
9.0	PWD-C	BLAKELY/ST. CLAIR REVITALIZATION	2006	& After	532											532	29	200.0
10.0	PWD-C	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE II	2006	& After	765											765	27	204.0
11.0	PWD-C	COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II	2006	& After	2,500											2,500	35	202.0
		1997 - Total - Community Renewal (net City Costs - 13,924)			11,229	630	2,322	0	0	0	0	0	0	0	0	8,277	35	

Appendix "J" as referred to in Section 5. B. (k) (i) of the Planning and Development Committee Minutes dated 1996 November 20.

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Downtown Action Plan - Hughson Street Redevelopment - Phase I
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian path. Therefore streetscaping, pedestrian weather protection, etc. are needed from Hunter to King William Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 1 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The GO Station is a vital link to the downtown area and with improvements to the pedestrian pathway on Hughson Street will encourage more pedestrians to the downtown area hence business development for the core. The physical improvements anticipated will also address the quality of life for Hamilton's residents in conformance with the Central District Study and Vision 2020.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 1997
   (b) COMPLETION DATE (YEAR) December 1997
   (c) GROSS COST (Start Year Dollars) $ 743,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 743,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ 743,000.	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ _____

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 18,000.
	Building Operations & Maintenance	$ 4,000.
	Other (specify) _____	$ 4,000.
	GROSS COST (All Inclusive)	$ 26,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 26,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) Project Manager's Name H. Milsome

(b) Basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures, a more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?

No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	201.0
(b)	AT CITY'S COST OF	$ 743,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

_____ Sep. 17th 96.
Signature of Department Head/ Local Board Manager *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Downtown Phase of the Ferguson Avenue Master Plan - a Pedestrian/Bike Link (King William to Main Streets)
   (b) Type of Project
   (c) Location Ferguson Avenue
   (d) Scope/Description of Work The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval the fall of 1995.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department Public Works and Traffic
   (b) Project Name Ferguson Avenue Implementation - Phase II
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 2 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The development of the roadway will address the need to reconstruct the existing and bring up to standard and in some areas address the need to construct sidewalks. The linkage will provide the citizens of Hamilton with a complete link from the escarpment to the Bay and the Waterfront trail as well as the Niagara escarpment. The downtown component will create an area for special events and gatherings that will generate business development.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 1997
   (b) COMPLETION DATE (YEAR) December 1997
   (c) GROSS COST (Start Year Dollars) $ 779,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 779,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ 779,000.	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ _____

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 30,000.
	Building Operations & Maintenance - utilities	$ 6,500.
	Other (specify) equipment	$ 6,500.
	GROSS COST (All Inclusive)	$ 43,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ 0
(c)	NET CITY'S COST	$ 43,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	197.0
(b)	AT CITY'S COST OF	$ 2,585,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H. Milsome.
Signature of Department Head/ Local Board Manager

24th Oct. 96.
Date

---

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Planning and Development Department/Public Works and Traffic Department

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Downtown Pedestrian Friendly Improvements
   (b) Type of Project Downtown Revitalization
   (c) Location Queen Street, Victoria Avenue, Cannon Street to Hunter Street
   (d) Scope/Description of Work This program would undertake ongoing improvements to the Downtown through a series of downtown initiatives such as, but not limited to: a canopy program, improved lighting, recycling boxes, benches, improved signage, flowers, trees and landscaping improvements, murals and public art. These actions further implement downtown initiatives recommended to the Greater Hamilton Downtown Community Development Corporation (GHDCDC) Founding Board.
   (e) Remarks new project

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department _____
   (b) Project Name _____
   (c) Start Year _____
   (d) Net City Cost $ _____

4. DEPARTMENT PRIORITY ORDER: # 3 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The revitalization of the downtown has become a major objective of the City. Pedestrian Friendly Improvements will help make the donwtown more attractive for visitors, a major element of the vision for a revitalized downtown. While the program allows for a variey of action/programs under the general umbrella of "pedestrian friendly improvements" each individual action would be subject to City Council approval. In addition, this program also implements some of the actions recommended in "Strong Medicine...A Prescription for the Heart of Hamilton-Wentworth".

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. PROJECT:
   (a) START DATE (YEAR) January 1997
   (b) COMPLETION DATE (YEAR) December 2000
   (c) GROSS COST (Start Year Dollars) $ 2,000,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 2,000,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ 500,000.	- 2002	$
- 1998	$ 500,000.	- 2003	$
- 1999	$ 500,000.	- 2004	$
- 2000	$ 500,000.	- 2005	$
- 2001	$	- 2006	$

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a) Staffing $ 40,000.
Building Operations & Maintenance $
Other (specify) equipment $ 10,000.

GROSS COST (All Inclusive) $ 50,000.

(b) LESS RECOVERY/REVENUE (specify) $

(c) NET CITY'S COST $ 50,000.

***Corporately, increased revenues are expected through increased property and business taxes and economic spinoffs from a revitalized downtown core that cannot be quantified at this time.**

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) Project Manager's Name Not available at this time
(b) Basis of assumptions

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No x Yes __; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)

(b) AT CITY'S COST OF $

(c) SCHEDULED TO START IN THE YEAR

Sep. 17 96

Signature of Department Head/ Local Board Manager — *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ No ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

APPENDIX 'C'

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Barton Street Revitalization
   (b) Type of Project Street
   (c) Location Barton Street (Wellington to Wentworth Streets)
   (d) Scope/Description of Work To create a pedestrian friendly environment through the planting of trees/flowers, placement of benches and garbage receptacles. Replacement of wooden poles with concrete poles.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 4 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Streetscaping improvements to Barton Street is crucial to the revitalization of the area, resulting in increased pedestrian traffic and positive impact on the economics of the area.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. PROJECT:

(a)	START DATE (YEAR)	January 1997
(b)	COMPLETION DATE (YEAR)	December 1997
(c)	GROSS COST (Start Year Dollars)	$ 630,000.
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$ 230,000.
(e)	LESS OTHER RECEIPTS (Specify) Hamilton Hydro Electric Systems	$ 400,000.
(f)	NET CITY'S COST	$ 0.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ _____

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ ~~25~~ 30,000.
	Building Operations & Maintenance - utilities	$ 5,000.
	Other (specify) _____	$ _____
	GROSS COST (All Inclusive)	$ ~~23~~ 35,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ ~~23~~ 35,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Based on input received at public meetings with costs from previous Capital Projects of similar scope.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No x Yes __; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program) _____

(b) AT CITY'S COST OF $ _____

(c) SCHEDULED TO START IN THE YEAR _____

H. Milsome
Signature of Department Head/ Local Board Manager

4th Nov. 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Crown Point East/McAnulty Phase II
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work This is the second phase of a two-phase project stressing improvements to the Pipeline Park in the Crown Point East Neighbourhood and St. Christopher's Park in the McAnulty Neighbourhood, along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. **DEPARTMENT PRIORITY ORDER:** # 5 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
This project will address the dilapitation of the existing infrastructure within the neighbourhood and improve the quality of life of the residents through the development of parks, buffering of incompatible uses, etc. The neighbourhoods were identified as a priority due to the degree of decaying infrastructure and lack of park space.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. **PROJECT:**
   (a) START DATE (YEAR) January 2006 and AFTER
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST (Start Year Dollars) $ 542,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 542,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ 542,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 5,600.
	Building Operations & Maintenance - equipment	$ 700.
	Other (specify) utilities	$ 700.
	GROSS COST (All Inclusive)	$ 7,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 7,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions At time of original submission amount based on matching maximum.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	196.0
(b)	AT CITY'S COST OF	$ 407,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H Wheeler
Signature of Department Head/ Local Board Manager

Sep. 17th 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Public Works and Traffic - Community Renewal Section

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Ferguson Avenue Implementation - Pedestrian/Bike Link - Escarpment and the Bay - Phase II
   (b) Type of Project _____
   (c) Location Ferguson Avenue
   (d) Scope/Description of Work The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval the fall of 1995.
   (e) Remarks _____

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department Public Works and Traffic - Community Renewal
   (b) Project Name Ferguson Avenue Implementation - Phase I
   (c) Start Year 1997
   (d) Net City Cost $ 1,070,000.

4. **DEPARTMENT PRIORITY ORDER:** # 6 of 11

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The development of the roadway will address the need to reconstruct the existing and bring up to standard and in some areas address the need to construct sidewalks. The linkage will provide the citizens of Hamilton with a complete link from the escarpment to the Bay and the Waterfront trail as well as the Niagara escarpment. The downtown component will create an area for special events and gatherings that will generate business development.

6. **FEASIBILITY STUDY:**
   (a) START DATE (YEAR) _____
   (b) COMPLETION DATE (YEAR) _____
   (c) GROSS COST $ _____

7. **PROJECT:**
   (a) START DATE (YEAR) January 2006 and AFTER
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST (Start Year Dollars) $ 3,121,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____ $ _____
   (e) LESS OTHER RECEIPTS (Specify) _____ $ _____
   (f) NET CITY'S COST $ 3,121,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ 3,121,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 43,000.
	Building Operations & Maintenance - utilities	$ 9,000.
	Other (specify) equipment	$ 9,500.
	GROSS COST (All Inclusive)	$ 61,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ 0
(c)	NET CITY'S COST	$ 61,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)	197.0
(b) AT CITY'S COST OF	$ 2,640,000.
(c) SCHEDULED TO START IN THE YEAR	2006&after

Signature of Department Head/ Local Board Manager

Dec. 24th 96
Date

12. *FUNDING (Treasury Department To Complete)*

(a) *NATURE OF PROPOSED FINANCING:* _____

(b) *RESERVE/CAPITAL LEVY FUNDING AVAILABLE:*

Yes ___ *No* ___

(c) *IF DEBENTURE FINANCING:*

(i) *ANNUAL DEBENTURE FINANCING COST:* $ _____

(ii) *TOTAL CARRYING COST OF RETIRING DEBT:* $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Stipeley South Neighbourhood
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major requirements.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 7 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The lack of park space must be addressed to improve the quality of life of the residents other improvements will result in addressing the decaying infrastructure and the buffering of residential and industrial lands. This area has been identified as one of the priority neighbourhoods that need to be revitalized due to the deteriorating conditions of the infrastructure.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. PROJECT:
   (a) START DATE (YEAR) January 2006
   (b) COMPLETION DATE (YEAR) and AFTER
   (c) GROSS COST (Start Year Dollars) $ 551,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 551,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 551,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 20,000.
	Building Operations & Maintenance - utilities	$ 4,500.
	Other (specify) equipment	$ 4,500.
	GROSS COST (All Inclusive)	$
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 29,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	198.0
(b)	AT CITY'S COST OF	$ 413,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

J. Whole
Signature of Department Head/ Local Board Manager

Sep. 11th 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: ____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ ____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ ____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Parkview (East and West)
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 8 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The projects implemented under this program will address the dilapidated infrastructure in the neighbourhood and address the need to redevelop/develop park space. The quality of life of the residents must be improved and has been identified as one of the priority neighbourhoods to be revitalized due to the existing conditions of the infrastructure.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. PROJECT:

(a)	START DATE (YEAR)	January 2006 and AFTER
(b)	COMPLETION DATE (YEAR)	
(c)	GROSS COST (Start Year Dollars)	$ 266,000.
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy)	$
(e)	LESS OTHER RECEIPTS (Specify)	$
(f)	NET CITY'S COST	$ 266,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____
- 2001	$ _____	- 2006	$ 266,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 10,000.
	Building Operations & Maintenance - utilities	$ 2,000.
	Other (specify) equipment	$ 2,000.
	GROSS COST (All Inclusive)	$ 14,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 14,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions _____

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	19[9].0
(b)	AT CITY'S COST OF	$ 200,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

H. Milsome
Signature of Department Head/ Local Board Manager

Sep. 17th 96.
Date

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12. *FUNDING (Treasury Department To Complete):*

(a). NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Blakeley/St. Clair Revitalization
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Improvements to parks, recreational, hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward three and bounded by Wentworth, Gage, Main Streets and the base of the Escarpment.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 9 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Development of parkland will address the shortage within these neighbourhoods. Improvements to the existing infrastructure will enhance the quality of life of the residents of the area. These neighbourhoods were identified as a priority due to the existing conditions of the infrastructure and lack of parkland.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c). GROSS COST $

7. PROJECT:
   (a) START DATE (YEAR) January 2006 and AFTER
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST (Start Year Dollars) $ 532,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 532,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 532,000.

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing	$ 20,000.
	Building Operations & Maintenance - utilities	$ 4,500.
	Other (specify) equipment	$ 4,500.
	GROSS COST (All Inclusive)	$ 29,000.
(b)	LESS RECOVERY/REVENUE (specify)	$
(c)	NET CITY'S COST	$ 29,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	200.0
(b)	AT CITY'S COST OF	$ 400,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

Sep. 17th 96.

Signature of Department Head/ Local Board Manager — *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) *NATURE OF PROPOSED FINANCING:* ____

(b) *RESERVE/CAPITAL LEVY FUNDING AVAILABLE:*

Yes ___ *No* ___

(c) *IF DEBENTURE FINANCING:*

(i) *ANNUAL DEBENTURE FINANCING COST:* $ ____

(ii) *TOTAL CARRYING COST OF RETIRING DEBT:* $ ____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
(a) Name (max. of 45 characters) Hughson Street Redevelopment - Downtown Action Plan - Phase II
(b) Type of Project
(c) Location
(d) Scope/Description of Work This is the second phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter Street to Charlton Avenue as per the Central Business District Study draft Guidelines adopted by the Planning and Development Committee.
(e) Remarks

3. REFERENCE TO RELATED PROJECTS:
(a) Submitting Department
(b) Project Name
(c) Start Year
(d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 10 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The linkage to the downtown, the GO Station and Charlton Avenue creates an environment conclusive to pedestrians thus encouraging more people to venture to our downtown and having a positive impact on economic development, business development and the tax base. The environment proposed to be created is in conformance with the Central Business District Study and Vision 2020.

6. FEASIBILITY STUDY:
(a) START DATE (YEAR)
(b) COMPLETION DATE (YEAR)
(c) GROSS COST $

7. PROJECT:
(a) START DATE (YEAR) January 2006 and AFTER
(b) COMPLETION DATE (YEAR)
(c) GROSS COST (Start Year Dollars) $ 765,000.
(d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
(e) LESS OTHER RECEIPTS (Specify) $
(f) NET CITY'S COST $ 765,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. **NET EXPENDITURE BY YEAR:**

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 765,000.

9. **ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):**

(a)	Staffing	$ 19,000.
	Building Operations & Maintenance	$ 4,000.
	Other (specify) _____	$ 4,000.
	GROSS COST (All Inclusive)	$ 27,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 27,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. **CAPITAL AND OPERATING ESTIMATE PREPARED BY:**
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

11. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?**
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	204.0
(b)	AT CITY'S COST OF	$ 765,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

_____ Sept. 17th 96.
Signature of Department Head/ Local Board Manager — *Date*

---

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT SUMMARY:
   (a) Name (max. of 45 characters) Commercial Improvement Programme - Phase II
   (b) Type of Project
   (c) Location
   (d) Scope/Description of Work Phase II of the Commercial Improvement Programme will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.
   (e) Remarks

3. REFERENCE TO RELATED PROJECTS:
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $

4. DEPARTMENT PRIORITY ORDER: # 11 of 11

5. PROJECT JUSTIFICATION ("Yes" or "No"):

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	X
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
Through the implementation of physical improvements within the existing B.I.A.'s and newly created B.I.A.'s, together with the promotion and marketing of the areas by the B.I.A.'s themselves, and the educational component for businesses as addressed through the annual Business Development Seminar, co-ordinated by the City of Hamilton, the commercial districts will attract new business thus having a positive impact on the surrounding neighbourhoods and the tax base, and ultimately the image of the City of Hamilton.

6. FEASIBILITY STUDY:
   (a) START DATE (YEAR)
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST $

7. PROJECT:
   (a) START DATE (YEAR) January 2006 and AFTER
   (b) COMPLETION DATE (YEAR)
   (c) GROSS COST (Start Year Dollars) $ 2,500,000.
   (d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $
   (e) LESS OTHER RECEIPTS (Specify) $
   (f) NET CITY'S COST $ 2,500,000.

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$ 2,500,000.

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a)	Staffing	$ 25,000.
	Building Operations & Maintenance - utilities	$ 5,000.
	Other (specify) equipment	$ 5,000.
	GROSS COST (All Inclusive)	$ 35,000.
(b)	LESS RECOVERY/REVENUE (specify) _____	$ _____
(c)	NET CITY'S COST	$ 35,000.

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name H. Milsome
(b) Basis of assumptions Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created. New B.I.A.'s established since the implementation of Phase I Commercial Improvement Programme will not have the resources to improve their physical boundaries.

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No __ Yes x ; if yes,

(a)	PROJECT NO. (Per 1996-2005 Capital Budget Program)	202.0
(b)	AT CITY'S COST OF	$ 2,500,000.
(c)	SCHEDULED TO START IN THE YEAR	2006&after

_____ Sep. 17th 96.
Signature of Department Head/ Local Board Manager *Date*

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12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

Note: all amounts rounded to the nearest thousand dollars

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Building Department

2. **PROJECT SUMMARY:**
(a) Name (max. of 45 characters) Hamilton Downtown Convert/Renovate-to-Rent Loan Program
(b) Type of Project The City will provide interest free loans to owners of commercial properties for conversions to/renovations of apartment units.
(c) Location
(d) Scope/Description of Work Pursuant to its mandate of Community Improvement and Renewal under the Planning Act and cognizant of the need to revitalize the downtown core, the City of Hamilton's Downtown Convert/Renovate to Rent Loan program will provide interest free loans to owners of commercial properties for conversions of vacant upper floor non-residential premises into apartments. Also renovations to existing apartments in commercial buildings to bring them in compliance with the property standards by-law and fire code.

(e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
(a) Submitting Department
(b) Project Name
(c) Start Year
(d) Net City Cost $ 0

4. **DEPARTMENT PRIORITY ORDER:** # 1 of __

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	Yes
(e)	ECONOMIC DEVELOPMENT	Yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	Yes
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The program will increase the number of residents in the downtown core, improve the structure, utility and appearance of buildings, improve health and save lives of residents by upgrading to the fire code. It will create construction jobs, provide needed housing, better utilize existing infrastucture through intensification and generate new tax revenue.

6. **FEASIBILITY STUDY:**
(a) START DATE (YEAR) NIL
(b) COMPLETION DATE (YEAR)
(c) GROSS COST $ 0

7. **PROJECT:**
(a) START DATE (YEAR) JAN/1997
(b) COMPLETION DATE (YEAR) DEC/1998
(c) GROSS COST (Start Year Dollars) $ 200,000
(d) LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) $ 0
(e) LESS OTHER RECEIPTS (Specify) $
(f) NET CITY'S COST / Loan repayments will be recycled. $ 200,000

Note: all amounts rounded to the nearest thousand dollars

Appendix "K" as referred to in Section 5. C. (d) (i) of the Planning and Development Committee Minutes dated 1996 November 20.

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ 200,000	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$
- 2001	$	- 2006	$

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a) Staffing $ 0
Building Operations & Maintenance $ 0
Other (specify) $ 0

GROSS COST (All Inclusive) $ 0

(b) LESS RECOVERY/REVENUE (specify) $ 0

(c) NET CITY'S COST $ 0

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) Project Manager's Name Mark Mascarenhas
(b) Basis of assumptions

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?
No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)
(b) AT CITY'S COST OF $ 0
(c) SCHEDULED TO START IN THE YEAR 1997

Nov 13/96
Signature of Department Head/ Date
Local Board Manager

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ No __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

The Corporation of the City of Hamilton

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER _____
(Treasury to complete)

1. **DEPARTMENT/LOCAL BOARD:** Building Department

2. **PROJECT SUMMARY:**
   (a) Name (max. of 45 characters) Hamilton Downtown Convert/Renovate-to-Rent Loan Program
   (b) Type of Project The City will provide interest free loans to owners of commercial properties for conversions to/renovations of apartment units.
   (c) Location
   (d) Scope/Description of Work Pursuant to its mandate of Community Improvement and Renewal under the Planning Act and cognizant of the need to revitalize the downtown core, the City of Hamilton's Downtown Convert/Renovate to Rent Loan program will provide interest free loans to owners of commercial properties for conversions of vacant upper floor non-residential premises into apartments. Also renovations to existing apartments in commercial buildings to bring them in compliance with the property standards by-law and fire code.
   (e) Remarks

3. **REFERENCE TO RELATED PROJECTS:**
   (a) Submitting Department
   (b) Project Name
   (c) Start Year
   (d) Net City Cost $ 0

4. **DEPARTMENT PRIORITY ORDER:** # 2 of __

5. **PROJECT JUSTIFICATION ("Yes" or "No"):**

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	Yes
(b)	HEALTH/SAFETY/ENVIRONMENT	Yes
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	Yes
(e)	ECONOMIC DEVELOPMENT	Yes
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	Yes
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe Justification:
The program will increase the number of residents in the downtown core, improve the structure, utility and appearance of buildings, improve health and save lives of residents by upgrading to the fire code. It will create construction jobs, provide needed housing, better utilize existing infrastucture through intensification and generate new tax revenue.

6. **FEASIBILITY STUDY:**

(a)	START DATE (YEAR)	NIL
(b)	COMPLETION DATE (YEAR)	
(c)	GROSS COST	$ 0

7. **PROJECT:**

(a)	START DATE (YEAR)	JAN/1998
(b)	COMPLETION DATE (YEAR)	DEC/2002
(c)	GROSS COST (Start Year Dollars)	$ 800,000
(d)	LESS PROVINCIAL SUBSIDIES (Describe nature of subsidy) _____	$ 0
(e)	LESS OTHER RECEIPTS (Specify) _____	$ 0
(f)	NET CITY'S COST / Loan repayments will be recycled	$ 800,000

Note: all amounts rounded to the nearest thousand dollars

1997-2006 CAPITAL BUDGET PROGRAM
PROJECT SUBMISSION FORM

PROJECT NUMBER ____
(Treasury to complete)

8. NET EXPENDITURE BY YEAR:

- 1997	$ 0	- 2002	$
- 1998	$ 200,000	- 2003	$
- 1999	$ 200,000	- 2004	$
- 2000	$ 200,000	- 2005	$
- 2001	$ 200,000	- 2006	$

9. ADDITIONAL ANNUALIZED NET OPERATING COSTS/(SAVINGS):

(a) Staffing $ 0
Building Operations & Maintenance $ 0
Other (specify) $ 0

GROSS COST (All Inclusive) $ 0

(b) LESS RECOVERY/REVENUE (specify) $ 0

(c) NET CITY'S COST $ 0

Note: Where amounts include operating cost & revenue estimates which impact other City departments, attach addendum breaking down estimates by department.

10. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) Project Manager's Name **Mark Mascarenhas**

(b) Basis of assumptions

11. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET PROGRAM?

No X Yes _; if yes,

(a) PROJECT NO. (Per 1996-2005 Capital Budget Program)

(b) AT CITY'S COST OF $ 0

(c) SCHEDULED TO START IN THE YEAR 1998

Signature of Department Head/
Local Board Manager

NOV 13/96
Date

12. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes __ No __

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $

Note: all amounts rounded to the nearest thousand dollars

Appendix "L" as referred to in Section 5. D. (a) of the Planning and Development Committee Minutes dated 1996 November 20.

PLANNING AND DEVELOPMENT COMMITTEE

SCHEDULE OF MEETINGS FOR 1997

Report titles to be listed in the "S" Directory by 5:00 o'clock p.m.	Reports to be submitted to Committee Secretary by 12:00 o'clock noon.	Agenda Review Meetings @ 10:00 o'clock a.m. in Room 264, with the one exception (indicated with an "*") - in Room 233.	Committee Meetings @ 9:30 o'clock a.m. in Room 233.	City Council Meetings @ 7:30 o'clock p.m.
January 10	January 14	* January 16	January 22	January 28
January 24	January 28	January 30	February 5	February 11
February 7	February 11	February 13	February 19	February 25
February 21	February 25	February 27	March 5	March 11
March 7	March 11	March 13	March 19	March 25
March 21	March 25	March 27	April 2	April 8
April 11	April 15	April 17	April 23	April 29
April 25	April 29	May 1	May 7	May 13
May 9	May 13	May 15	May 21	May 27
June 6	June 10	June 12	June 18	June 24
June 20	June 24	June 26	July 2	July 8
August 8	August 12	August 14	August 20	August 26
September 12	September 16	September 18	September 24	September 30
September 26	September 30	October 2	October 8	October 14
October 10	October 14	October 16	October 22	October 28
October 24	October 28	October 30	November 5	November 11
November 7	November 11	November 13	November 19	November 25
November 21	November 25	November 27	December 3	December 9

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 25 1996

DATE: 1996 November 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1997

RECOMMENDATION:

1) That the 1997 operating budget of the Concession Street B.I.A. (attached as Appendix'A') be approved in the amount of ten thousand, one hundred dollars $10,100.; and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1997 be approved.

January 01	$2,525.
March 01	$2,525.
June 01	$2,525.
September 01	$2,525.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

L Lutt-Eagland for
D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of ten thousand, $10,100. is totally levied by the B.I.A. through its members. There is no cost to the City for any part of this operating budget. As a point of clarification, the attached budget identifies a Christmas grant in the amount of $1,000.00 from the City of Hamilton. This will be dealt with under a separate process through the Treasury Department and does not form part of the B.I.A. levy.

..../2

BACKGROUND:

At its Annual General Meeting held 1996 November 19, the Concession Street B.I.A. adopted a budget of $10,100.

JP\jp
P&D\conbud.97

c.c. Mr. A. Ross, City Treasurer
B. Toplack, Chairman, Concession Street B.I.A.

CONCESSION STREET BUSINESS IMPROVEMENT AREA
PROPOSED BUDGET FOR 1997

EXPENSES	
ADVERTISING AND PROMOTION	$ 2,800.
HYDRO-CHRISTMAS LIGHTS	$ 800.
ADVERTISING AND PROMOTION & NEWSLETTER	$ 6,000.
ADMINISTRATION	
INSURANCE	$ 750.
ACCOUNTING	$ 350.
MISCELLANEOUS	$ 400.
TOTAL	$11,100.

INCOME

BIA TAX LEVIES	$10,100.
CITY OF HAMILTON GRANT FOR CHRISTMAS DECORATIONS	$ 1,000.
TOTAL	$11,100.

B6)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 2 1996

DATE: 1996 November 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic
Public Works and Traffic Department

SUBJECT: Lot Grading, Almas Gardens - Phase 5, Hamilton

RECOMMENDATION:

(a) That the City of Hamilton accept the lot grading for Lot 13, #26 Caswell Drive, Almas Gardens - Phase 5, Registered Plan No. 62M-611, and that the subdivider, DiCenzo Construction Co. Ltd. and Sunshine Homes Inc. be relieved of any further obligations under Section VIII of the City of Hamilton Subdivision Agreement for Almas Gardens - Phase 5.

(b) That the City Treasurer be authorized and directed to release the balance of $20,000 being held as a security for the lot grading in Almas Gardens - Phase 5.

c Ruth England for
D. Lobo

D. Lobo
Commissioner of Public Works and Traffic

Guy Papalia
for J. D. Thoms
Commissioner
Regional Environment Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Law Department procedures have been followed and they have been consulted and concur with our recommendations.

.../2

BACKGROUND:

Almas Gardens - Phase 5 is a 47 lot subdivision located north of Stone Church Road West and West of Upper Paradise Road within the Gurnett Neighbourhood as shown on the attached map. The plan of subdivision was registered on May 15, 1989 as Plan No. 62M-611 and was developed by DiCenzo Construction Co. Ltd. and Sunshine Homes Inc.

Under Section VIII of the City Subdivision Agreement, the subdivider was responsible for grading the lots in accordance with the approved grading plan and issuance of grading certificates to the City.

The City has received grading certificates for lots 1 to 12 and 14 to 47 inclusive. The grading on lot 13 did not conform to the approved grading plan. The City requested the subdivider to obtain letters from the affected owners of lots 12, 13 and 14 which requested them to confirm that the established grading on lot 13 was satisfactory to them. The subdivider provided the City with letters of satisfaction from the owners of lots 12 and 13, however they did not receive a response from the owners of lot 14. The most impacted property, being behind lot 14, having gone through one winter has no drainage problems and we have a letter from the owners stating this.

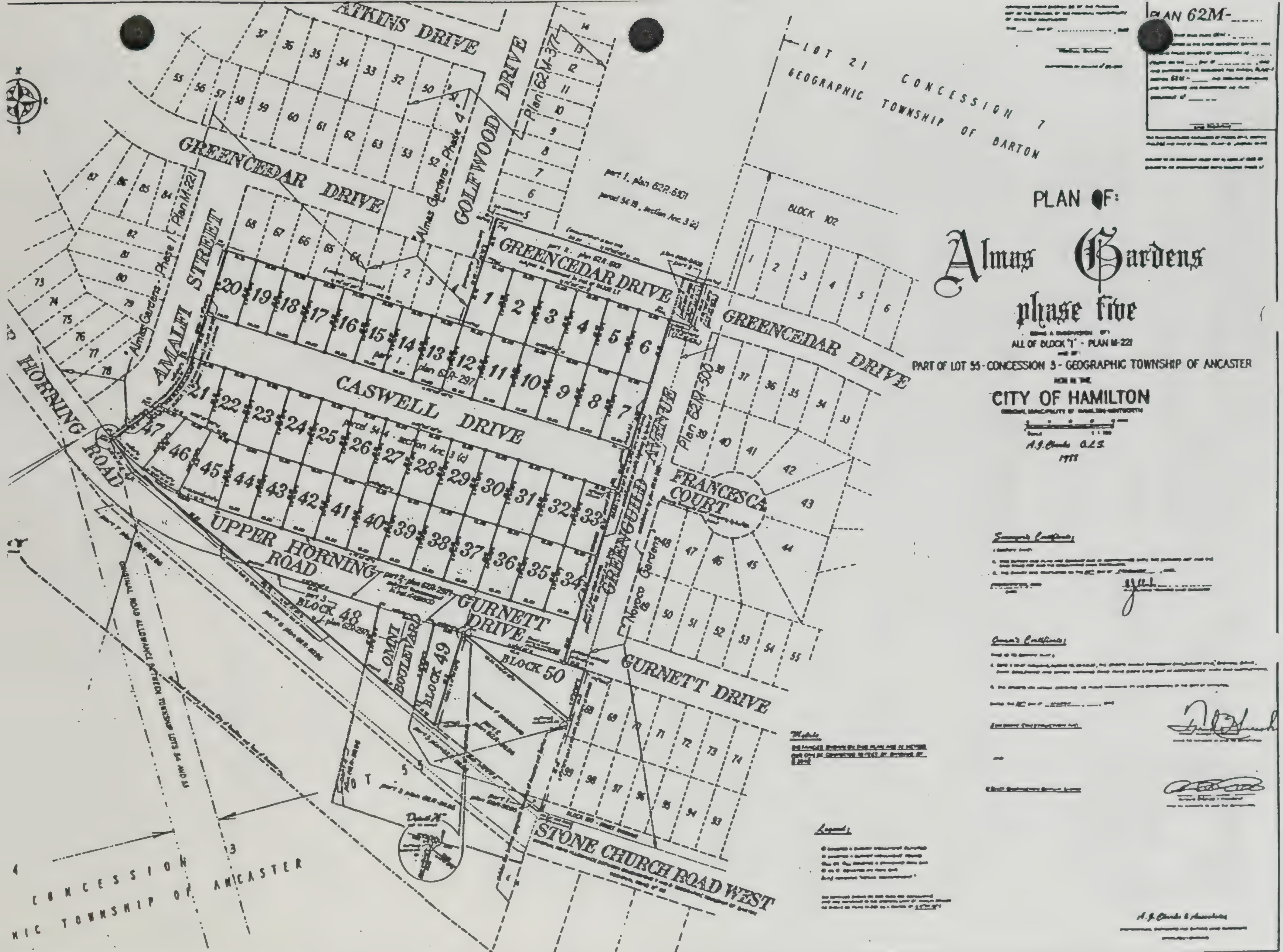
The City sent a registered letter dated October 11, 1996 to Mr. and Mrs. J. Araujo the owners of lot 14 (copy attached) and requested they express any concerns related to the grading on lot 13 to us no later than October 25, 1996. To date we have not received a response from them and must assume they have no concerns.

In this regard we are recommending that the City of Hamilton accept the lot grading of lot 13, Almas Gardens - Phase 5, Plan no. 62M-611 and that the subdivider DiCenzo Construction Co. Ltd. and Sunshine Homes Inc., be relieved of any further obligations under Section VIII of the City of Hamilton Subdivision Agreement for Almas Gardens - Phase 5 with respect to the lot grading of lot 13.

In addition, we are recommending that the City Treasurer be authorized and directed to release the balance of $20,000 being held as a security for the lot grading in Almas Gardens - Ph. 5.

CAU
attach.

cc. P. Noé Johnson, Law Department
cc. A. Ross, Treasury Department



PLAN 62M-
PLAN OF:
Almas Gardens
phase five
ALL OF BLOCK "I" - PLAN M-221
PART OF LOT 55 - CONCESSION 3 - GEOGRAPHIC TOWNSHIP OF ANCASTER
CITY OF HAMILTON
A.J. Clarke O.L.S.
LOT 21 CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
CONCESSION
GEOGRAPHIC TOWNSHIP OF ANCASTER
ATKINS DRIVE
GREENCEDAR DRIVE
GOLFWOOD DRIVE
Plan 62M-377
Almas Gardens - Phase 4
Almas Gardens - Phase 1 Plan M-221
AMALFI STREET
CASWELL DRIVE
UPPER HORNING ROAD
HORNING ROAD
GURNETT DRIVE
OMNI BOULEVARD
BLOCK 48
BLOCK 49
BLOCK 50
BLOCK 102
GREENGULD AVENUE
Plan 62M-500
FRANCESCA COURT
Novgo Gardens
STONE CHURCH ROAD WEST
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 54 AND 55
part 1, plan 62R-5101
parcel 54-19, section Anc. 3 (c)
part 1, plan 62R-2971
parcel 54-4, section Anc. 3 (c)
Surveyor's Certificate
Owner's Certificate
Legend
A.J. Clarke & Associates

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Regional Environment Department

Development Division
71 Main Street West, 6th Floor
Hamilton, ON L8N 3T4

Fax (905) 546-2870

REGISTERED MAIL

October 11, 1996

File No.: S701-47
Attention of: C. A. Unelli
Tel. 546-4142
Your File No.:

Mr. and Mrs. J. Araujo
30 Caswell Drive
Hamilton, Ontario
L9C 7N3

Lot 13, Registered Plan 62M-611 (Almas Gardens - Phase 5),
Municipally known as 26 Caswell Drive, Hamilton

Dear Mr. and Mrs. Araujo:

The grading plan for lot 13 was revised to reflect the as constructed conditions on this lot. We understand that the subdivider has being trying to have you sign a grading acceptance letter with respect to the grading on lot 13.

The City is prepared to accept the as constructed grading on lot 13. However, prior to us accepting the grading on lot 13, please provide us with any concerns you may have, in writing, prior to October 25, 1996.

Eugene P. Chajka, P. Eng.
Manager, Development Division

CAU

cc: Mr. A. Zuidema, Law Department
cc: Mr. A. DiCenzo, DiCenzo Construction Company Ltd.
cc: Mr. A. Irani, A. J. Clarke and Associates
cc: Ms. S. Chiarelli, 26 Caswell Dr.

WITHDRAWAL OF COMPLAINT

RE: 26 CASWELL DRIVE, HAMILTON, ONTARIO

I, DIANE WINWOOD and GLENN WINWOOD, of 272 Greencedar Drive, Hamilton, Ontario, hereby withdraw our complaint against the owners of 26 Caswell Drive, concerning drainage into our catch basin.

There have been no flooding problems over the winter and spring. The complaint was lodged in November 1994.

DATED at HAMILTON, this 7th JUNE 1995.

DIANE WINWOOD

GLENN WINWOOD

BC)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Revised Board of Management - 1996-1997

RECOMMENDATION:

1. That Schedule'B' of By-law No.96-195 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names subsituted:

Gord Culshaw	**Culshaw Cakes**
Mary Keir	**Surplus Plus**
John Gut	**Textile Centre**
Tony Bifano	**Anton Video**
Greta Munt	**Greta's Flair**
Rosemary Young	**Wentworth Paints**
Daniel Kwiatkowski	**Beach Road Meats**
Toby Yull	**Toby's Interior Design**

2. That the City Solicitor be authorized and directed to amend By-law No.96-195 pursuant to (1.) above

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1996 October 9.

JP:jp
p&d\bmottawa.97

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

Mr. G. Culshaw, Chairman
Ottawa Street B.I.A.

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 0 1996

DATE: 1996 November 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
571 KENILWORTH AVENUE NORTH
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 571 Kenilworth Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K - Heavy Industry (Map E-52)

PRESENT USE: Single Family Dwelling

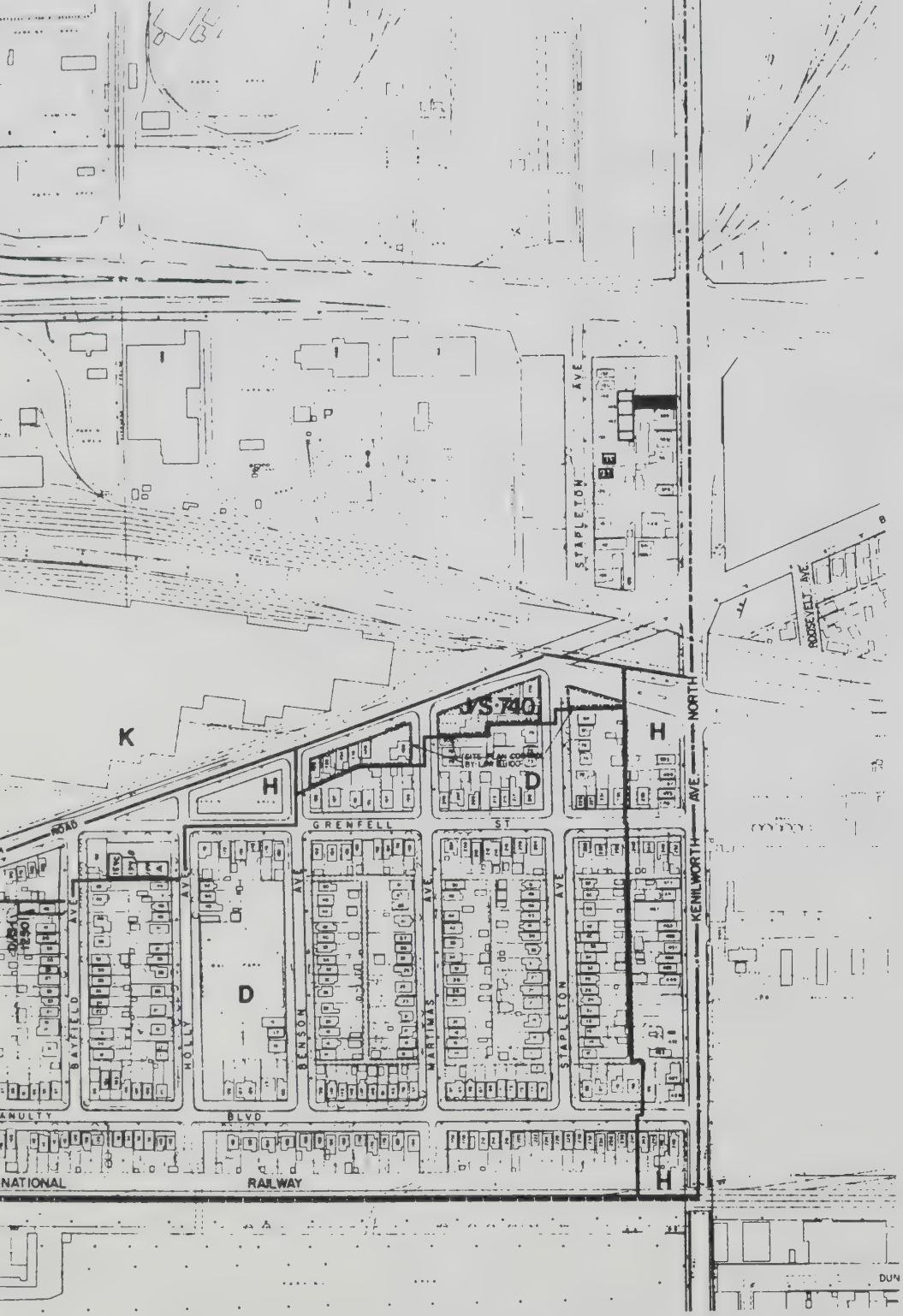
PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner wishes to demolish the existing one and a half storey wood frame and aluminum sided single family dwelling as the land is required for the enclave program. This land is located in the "E" and McAnulty Neighbourhood (see attached neighbourhood map) and is in Ward 4. No LACAC interest. Lot size 50' x 100.00'.

The owner of the property is:
Andrew Kay, 571 Kenilworth Avenue North, Hamilton, Ontario, L8H 4T8

The proposed purchaser is:
The Corporation of the City of Hamilton

FP/zr



80	79	78
72	73	74
35	34	66

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

INDUSTRIAL SECTOR

'E' AND McANULTY

ZONING

Neighbourhood Boundary

Zoning Boundary.

0 100m

SCALE 50m

NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO 6205 6211

PAGE NO 73

(6)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 6 1996

DATE: 1996 November 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
56 CROSTHWAITE AVENUE NORTH - Tag Number 97694
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 56 Crosthwaite Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-64)

PRESENT USE: Single Family Dwelling

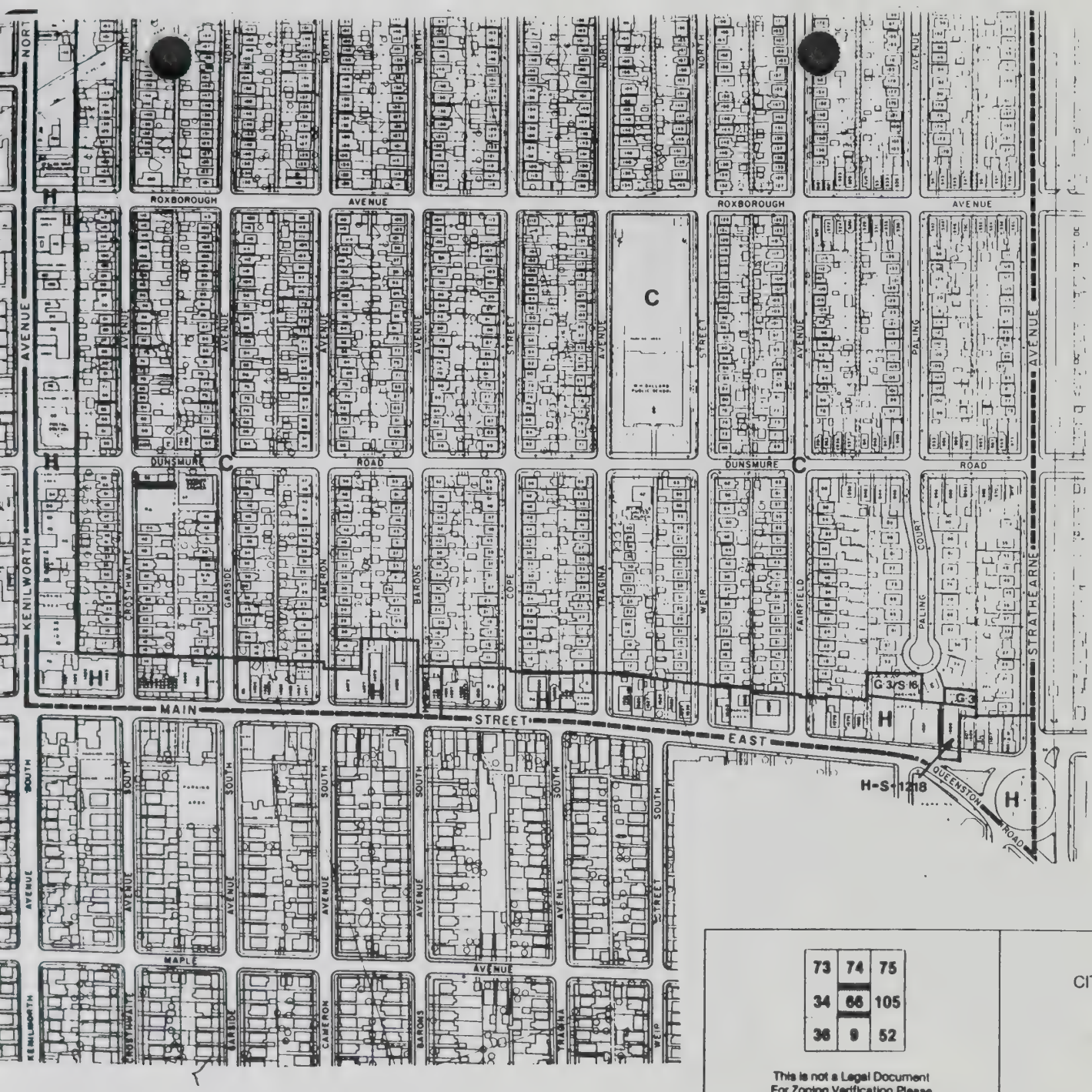
PROPOSED USE: Additional Parking for Church

BRIEF DESCRIPTION: The owner wishes to demolish the existing two storey frame dwelling to be used for additional parking for the church located at 47 Garside Avenue North. This land is located in the Homeside Neighbourhood (see attached neighbourhood map) and is in Ward 4. No LACAC interest. Lot size 18.5' x 100'.

The owner of the property as per the demolition permit is:
Garside Church, 47 Garside Avenue North, Hamilton, Ontario, L8H 4W1

The applicant as per the demolition permit is:
Varga Bros. Wrecking, 755 No. 6 Highway, Caledonia, Ontario, N3W 1M4

FP/zr



SUBJECT PROPERTY

56 CROSTHWAITE AVE NORTH

73	74	75
34	66	105
36	9	52

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

HOMESIDE

ZONING

Neighbourhood Boundary

Zoning Boundary.

0 50m 100m

SCALE

NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO 6509

PAGE NO 66

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 28
ZAR-94-28
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, R.P.P., M.C.I.P.
Director of Planning and Development

Mr. J. Pavelka P.Eng.
Chief Administrative Officer

SUBJECT: Request for removal of a holding provision - 1425 to 1429 Upper James Street

RECOMMENDATION:

a) That approval be given to Zoning Application ZAR-94-28, 859778 Ontario Inc. (D. Carnicelli), owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act to permit commercial development, for property located at No. 1425 and 1429 Upper James Street, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding provision was placed on the subject lands until such time as the applicant\owner applies for and receives approval of a Site Plan Control application incorporating the subject lands with the lands to the south and east.

b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 91-175, and Zoning District Map E-9C and E-9D, in a form satisfactory to the City Solicitor, for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to remove the 'H' - Holding symbol, for lands located at No. 1425-1429 Upper James Street, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding symbol was placed on the subject lands until such time as the applicant/owner applies for and receives approval of a Site Plan Control application, incorporating the subject lands with the lands to the south and east (1441 Upper James Street).

The effect of the By-law is to permit commercial development of the subject lands, in accordance with the "HH" (Restricted Community Shopping and Commercial) District, modified, regulations, as stipulated by By-law No. 91-175.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Zoning By-law No. 91-175

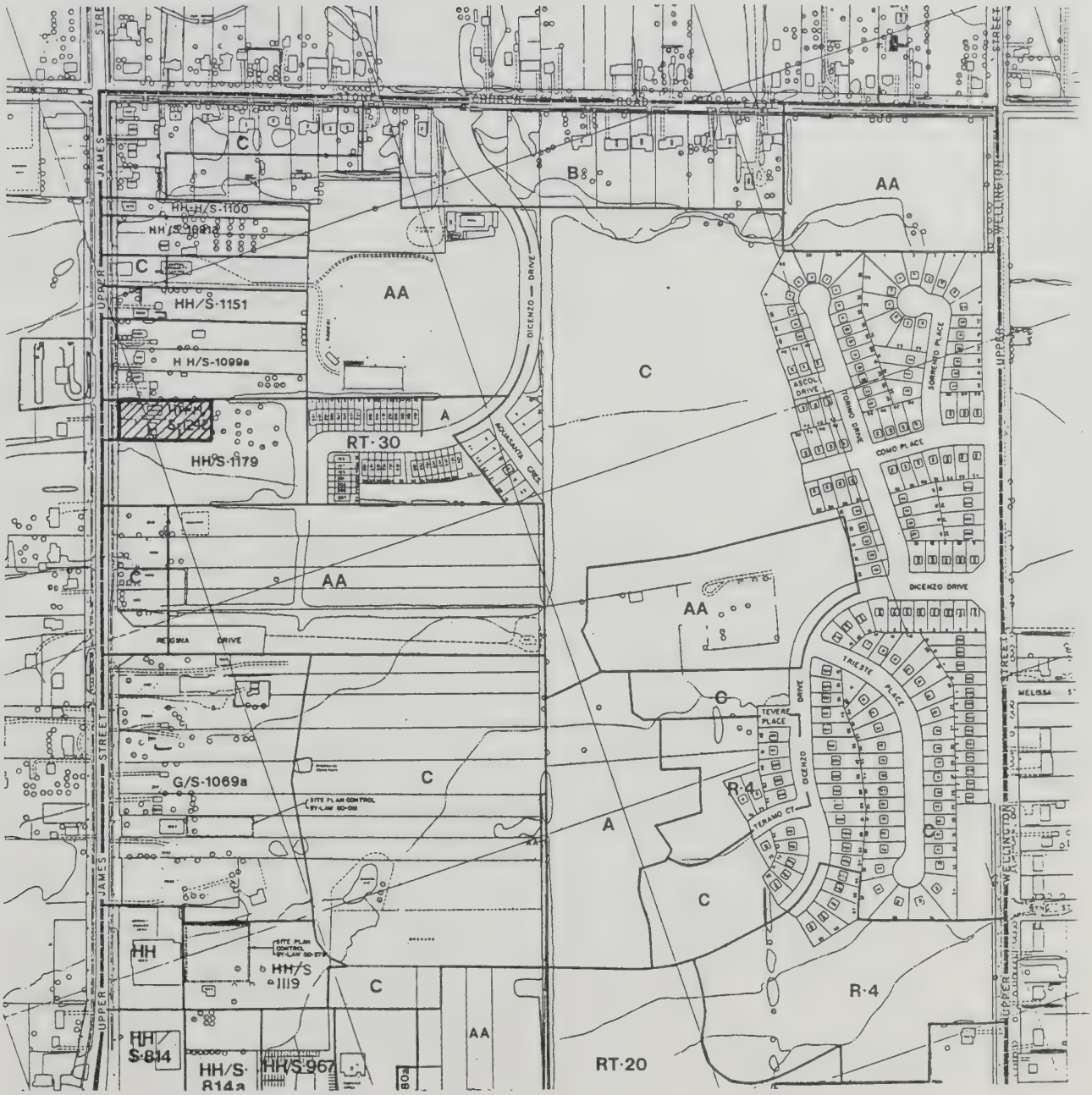
On August 27, 1991, approved Zoning Application 90-88, for a rezoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified, for the subject lands. Since the intent of the application was to develop the lands in conjunction with 1441 Upper James Street, and there was some concern with coordination of development, removal of the Holding provision is subject to approval of a Site Plan incorporating development of the subject lands with the lands to the east and south (1441 Upper James Street). The modifications to the "HH" District regulations include variances respecting implementation of the Design Guidelines for the Upper James Street Corridor (ie. minimum 24.0 m front yard and 3.0 m landscaped strip along the streetline).

On November 22, 1996, Site Plan Control application DA-95-19 was finalized, for comprehensive development of 1425, 1429 and 1441 Upper James Street for a commercial plaza and two free standing commercial buildings. In this regard, the condition of the 'H' holding provision has been met.

CONCLUSION:

On the basis the appropriate Site Plan has been approved and finalized, it is appropriate to remove the 'H' - Holding symbol from the subject lands.

CL-M



Legend

Site of the Application

NORTH

ZAR-94-28

APPENDIX A

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 27

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Item**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning and Development re: Site Plan for Approval, dated 1996 November 22.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:N/A

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